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W. Smart Del.

CRAUFURD PRIORY THE SEAT OF THE HON.^{BLE} LADY MARY LINDSAY CRAUFURD

T. Dick Sculp.

EXAMINATION
OF
THE CLAIM
OF
JOHN LINDSAY CRAWFURD,
TO THE
TITLES AND ESTATES OF CRAWFURD AND LINDSAY;

CONTAINING
AN EXPOSURE OF THE FORGERIES ON WHICH THAT CLAIM IS FOUNDED, AND
A REFUTATION OF THE STATEMENTS IN THE BOOK ENTITLED, "THE
CRAWFURD PEERAGE," AND IN OTHER PUBLICATIONS ON HIS CASE.

BY JAMES DOBIE, F.S.A. SCOT.

WRITER IN BEITH.

WILLIAM BLACKWOOD, 45, GEORGE STREET, EDINBURGH;
AND THOMAS CADELL, STRAND, LONDON.

MDCCCXXXI.

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TO

THE RIGHT HONOURABLE

LADY MARY LINDSAY CRAWFURD.

MADAM,

IF in the following pages I have been successful in exposing the pretensions of a person who attempted to connect himself with your Noble Family, by falsehood and forgery, there is no one to whom I can with so much propriety dedicate this work as to your Ladyship. I trust that I have succeeded in proving, not only that this Claimant is not a descendant of the Honourable James Crawford, your grand-uncle, but that he has not the least pretension to any connexion or relationship whatsoever with your Noble Family. It is a matter of importance to the Public, that such attempts on the part of an entire stranger

to claim a Peerage and an Estate, should be exposed, as, while falsehood is thereby detected, truth is established and vindicated. I have the honour to be,

MADAM,

Your Ladyship's most obedient humble servant,

JAMES DOBIE.

BEITH, 30th November, 1830.

P R E F A C E.

As the Author of "The Crawford Peerage" has been pleased to mention me by name, and to accuse me of having very suddenly apostatized from believing in the verity of Mr Crawford's claims, to not only doubting, but opposing them, I think it proper shortly to state the substance of my previous interference in his behalf, and the reasons of my change of opinion and of conduct.

When Mr Crawford made his appearance as the Claimant of the estate of Kilbirnie, it is not to be disguised, that there was a considerable degree of feeling in his favour. His statement might be true, and sympathy is easily excited in favour of one who is believed to be the representative of an ancient family, but who is without the means of establishing what are considered to be his just rights. After Mr Crawford was tried, and found guilty of using forged documents in support of his claim to the honours and estates of Crawford and Lindsay, much of the interest in his favour ceased. Some delay, however, took place in sending him to New South Wales, in terms of his sentence, and, in the meantime, strong exertions were made by his friends to get the execution of this sentence still further delayed. Of this, hopes were entertained in various

quarters ; but these proved fallacious. I did not know Mr Crawford until after his return from Botany Bay, and was not consulted in any way whatever by or for him, at any stage of his proceedings prior to his trial and transportation. At that time I knew nothing of the merits of his case, farther than was known by all who resided in the neighbourhood of Kilbirnie. While Mr Crawford was in New South Wales, his wife came repeatedly to me, stating the great hardships and difficulties of her situation, and the many privations under which she and her children were struggling. She then put into my hands the papers which she had collected in relation to her husband's claims. She stated her firm conviction of the truth and validity of these claims, and had an appearance of respectability, which induced me to take an interest in her situation. Accordingly I read over the depositions and declarations of the witnesses, as she gave them up, with something like a predisposition to believe their statements. If these depositions, remodelled by a person of so much genealogical skill as the late Mr Henry Nugent Bell, deceived Mr Brougham, and other eminent persons, so far as to make them express opinions favourable to the Claimant, I may very readily admit, that, in their original state, they induced me to think there was something in the case which seemed not to have been fairly investigated, and which still called for enquiry. Under this impression, I wrote the Memoir of the Claimant's Case, which has been quoted in the "Crawford Peerage." It was printed at Paisley, and sold by Mrs Crawford, but to what extent I never enquired. I took a dozen of copies, and paid her for them ; and my only wish was, that she might be benefited by it, and that I might not be known as the author.

After Mr Crawford's return from transportation, he called on me, and showed me the pardon he had procured from Governor MacQuarrie; and expressed a wish that I should do any thing I could for him. Soon after this he employed Mr Bell to take charge of his case, and I corresponded with that gentleman repeatedly on the subject. All I had to say, was to point out difficulties, which I did; but Mr Bell viewed them with no concern, and took no notice of remarks and suggestions which afterwards appeared too serious to be trifled with. When Mr Bell visited Kilbirnie, I met him there, and subsequently I called on him in London. On these occasions, he expressed himself satisfied that the Claimant must ultimately be successful.

After Mr Bell's death, Mr James Buckton, Solicitor in Doctors' Commons, was appointed by the Claimant's friends to conduct the proceedings. He and Mr John Bowie, W.S., came to Beith in January 1824, and I was with them for several days at Beith, Kilbirnie, and Irvine. In the "Crawford Peerage" it is said, that in one night I "abdicated Mr Crawford's interest, apostatized from all and every particle of faith I had exercised heretofore of his pretensions;" and this change is plainly attributed to "Lady Mary's purse." I am not at all anxious about the latter assertion, and with regard to the former, I must admit that it was not long until I saw sufficient grounds for renouncing any belief I had ever entertained of the verity of the Claimant's case. Previous to this meeting, all I had seen or known of the matter was engrossed in the Case prepared by Mr Bell. But when I saw certified copies of the judicial proceedings at the instance of Lord Shewalton, charging George, Viscount Garnock, to enter heir to his uncles John and *James*, the

renunciation to be heir by the Viscount's commissioner, the subsequent decree of adjudication by Lord Shewalton, the proofs of the forgeries of letters, and other documents, intended to counteract these proceedings, and heard the other evidence detailed of the history of the Honourable James Crawford, I could not withhold my assent from such a body of evidence, and became satisfied that Mr Crawford had no claim whatever. Subsequent enquiries confirmed this impression ; and I must have been not only a fool, but a knave, if I had withheld the expression of this conviction.

I think it proper here to bear testimony to the zeal, activity, and care which Messrs Buckton and Bowie evinced in conducting the enquiry. It was done in the spirit, and with the feelings, of gentlemen ; while, at the same time, they were satisfied that they were engaged in a most unavailing pursuit. In the following examination, I have drawn largely from their Report, and endeavoured to refute the calumnies which have been so unsparingly heaped on Mr Buckton by the Claimant and his friends.

I have endeavoured to avoid irrelevant discussions ; and the reader will be pleased to observe, that my plan is, after a short introduction, first, to investigate the history of the Honourable James Crawford, as given by the Claimant in his various publications, and as sworn to by his witnesses ; then, to give his real history, as substantiated by authentic written evidence ; Secondly, to examine the documentary evidence of the Claimant, to show its origin to have been in the failure of the commission, and to trace and expose its falsehood ; and, in the last place, to justify the trial and conviction of the Claimant, which he and his friends have so clamorously condemned, and to refute various calumnies on unoffending individuals

If, by the verdict of the impartial reader, I am justified in the conclusions in which the whole observations terminate, I shall be satisfied ; and with regard to the “ delights of praise,” or the “ molestations of censure,” I must leave these, with humility, to the award of a candid public, the only tribunal from whose decision there is no appeal.

EXAMINATION
OF
THE CLAIM OF JOHN LINDSAY CRAWFURD,
TO THE
TITLES AND ESTATES OF CRAWFURD AND KILBIRNIE, &c.

SECTION FIRST.—INTRODUCTORY.

THE lands of Kilbirnie, in Ayrshire, anciently belonged to a branch of the potent family of Barclay. Of the precise period when this family acquired lands in Scotland, there is no account ; but in 1140, Richard de Barclay is witness to the foundation Charter of the Monastery of Kilwinning, granted by Hugh de Moreville, Constable of Scotland, in the reign of King David the First.¹

Of the
Barclays of
Kilbirnie.

We learn, also, that in 1165, William the Lion promoted Sir Walter Barclay to the office of Lord High Chamberlain of Scotland.² He is said to have been the first layman that held this office, and was brother of Robert Berkeley, of the family of that name in Gloucestershire.³ The Barclays soon acquired large tracts of land in various parts of Scotland. One branch of the family had acquired Ardrossan prior to 1226. In that year we find Arthur de Ardrossan witness to a charter of the lands of Monoch, in favour of Hugh Crawford,⁴ and there is no reason to doubt that the name of the Ardrossan family was Barclay.⁵ Of the family of Ardrossan, the

¹ Crawford's Renfrewshire, p. 121. Edit. of 1818.

² Crawford's Lives of Officers of State, p. 253.

³ Chalmers' Caledonia, vol. I. p. 529.

⁴ Nisbet's Heraldry, p. 24, of Remarks on the Ragman Roll in vol. II.

⁵ Mackenzie's Lives of Scots Writers, vol. I. p. 254, &c.

Barclays of Kilbirnie were a branch. In 1357, in the reign of David the Second, we find Sir Hugh Barclay of Kilbirnie bestowing his lands of Haymore on his vassal John Mackmoran, and Margaret his wife.¹ This Sir Hugh was succeeded by his son Hugh, who obtained the honour of knighthood from Robert the Second. He had two sons, David, his successor, and Archibald, the first of the branch of Ladyland. The Ladyland branch of the family continued to flourish for about two centuries.

The Craw-
furds of
Kilbirnie.

The family of Kilbirnie was continued in the person of David Barclay, who obtained from James the First a grant of the whole lordship of Kilbirnie, with the half of Ladyland. He was succeeded by his son John, who died without male issue in 1470, and was succeeded by his only daughter Marjory. This lady married Malcolm Crawford of Greenock, a descendant of the house of Crawford of London, and who thus became the founder of the family of the Crawfurds of Kilbirnie; which family has, ever since, continued in the possession of that estate either through male or female succession. It is unnecessary in this narrative to trace the succession of the various members of this family, who have possessed the estate, or of the different collateral branches which have sprung from the parent stem. This would lead into a wide field, and one altogether foreign from the chief object we have at present in view. Referring those, who are desirous of tracing the minuter histories of the family, to the various genealogical accounts to be found in the Peerages and similar works, we come down to John Crawford of Kilbirnie, who succeeded to the estate in 1622. He was eldest son of John Crawford of Kilbirnie, by his wife Margaret, daughter of John Blair of that Ilk. He married Mary, daughter of James, Earl of Glencairn, and about 1627 rebuilt the house of Kilbirnie, in such a style of magnificence, that though now in ruins, yet it still commands respect. He was succeeded by John, his eldest son, who obtained the honour of knighthood from King Charles the First, in 1642.² By his second wife Magda-

Sir John
Crawford
of Kilbir-
nie.

¹ Crawford's Peerage, p. 159.

² In 1641, John Crawford of Kilbirnie procured a ratification by Parliament of the infestment in his favour, of all and hail the lands and baronie of Kilbirnie, with the fishing in the *Loch thereof*. This loch is called Garnoth by Hollingshead, who takes notice of it in the following manner :

lene, daughter of Lord Carnegie, he had two daughters, Ann and Margaret. Ann was married to Sir Archibald Stewart of Blackhall, from whom Sir Michael Shaw Stewart, now of Greenock and Blackhall, Bart., is descended. The second daughter, Margaret, married the Honourable Patrick Lindsay, second son of John, the 14th Earl of Crawford, and 1st Earl of Lindsay. Upon the heirs of this marriage Sir John Crawford settled the estate of Kilbirnie, on condition that these heirs should assume the surname and arms of Crawford.¹ Of this marriage there was issue three sons and three daughters: 1st, John, who succeeded to the estate of Kilbirnie; 2d, Patrick; 3d, Archibald; 4th, Margaret, married to David, 1st Earl of Glasgow; 5th, Anne, married to Harry Maule of Kelly, third son of George, 2d Earl of Panmure; 6th, Magdalene, married to George Dundas of Duddingstone.

John Crawford of Kilbirnie was born on the 12th May, 1669. He received the rudiments of his education at Irvine, and finished his studies at the university of St Andrews, which was then a seminary of great repute. He came very early into public life, and warmly supported the party that brought about and secured the revolution of 1688; and, with the same judicious and patriotic feel-

John Crawford of Kilbirnie, his son.

“In Cuningham likewise is a lake called Garnoth, equal in quantitie unto the Downe, and no less famous for the abundance of fish that is dailie found therein, and not farre from the same is the town called Largis.”* This lake was for a long time the subject of contention between the families of Kilbirnie and Glengarnock, who, in the true spirit of the times, at first took the law into their own hands, by breaking the boats, &c., and then appealed to the civil authorities. It was found, in a question between the Lady Glengarnock and the Laird of Kilbirnie, that a proof of interruption of possession, by breaking boats put on this loch by the Laird of Kilbirnie, was a legal method of proving interruption. It appears from the report of this case, that both parties had the loch included in their titles, and that the title of Glengarnock was the oldest. 18th July, 1626, Lady Glengarnock *against* Laird of Kilbirnie.† The ratification by Parliament of the Laird of Kilbirnie's right would probably terminate this struggle. After his family acquired the estate of Glengarnock, there was no further ground to call their right to the fishings in the loch in question.

¹ From the Index of the registered Entails, in the work lately published on this subject by James Ferguson, Esq. P.C.S., it appears that this entail, by Sir John Crawford of Kilbirnie, is dated 31st July, 1662, and is the oldest entail in Scotland, except that of the estate of Ricalton in Roxburghshire, which has been put on record since 1685. It was not recorded until 18th February, 1747; and in consequence of the irritant clauses not being repeated *verbatim* in the infeftment of John, first Viscount Garnock, it was found ineffectual against his creditors, 28th July, 1725. M.D. p. 15596.

* Hollingshead's Chronicles, vol. i. p. 6.

† Morrison's Dictionary, p. 10631.

Created
Viscount
Garnock.

His Mar-
riage and
Family.

His Deed
of Settle-
ment.

Notice of
the Kirk of
Kilbirnie,

ing, supported the great national measure of the Union. He was one of the representatives for Ayrshire in the Parliament of Scotland, from 1693 till 1703, when Queen Anne rewarded his merits by creating him Viscount of Mount Crawford. This title was, at his own request, afterwards changed to that of Garnock. He married Margaret, daughter of James Stewart, first Earl of Bute, by whom he had five sons and three daughters: 1st, Patrick, who succeeded him; 2d, John, who studied the law, and was called to the bar—he was appointed clerk to the Admission of Notaries, which office he held at his death on 25th February, 1739; 3d, James Crawford, who for some time held the situation of Land-Surveyor of the Customs at the Port of Irvine, and who died unmarried in London in 1745, and whose history it is the main object of the following work to trace and substantiate; 4th, David, who was bred a physician; 5th, Charles, who entered the Royal Navy in early life, and rose to the rank of Captain, and had the command of the Dartmouth frigate; 6th, Margaret, who married — M'Niel of Ugadale, and had issue; 7th, Ann, and 8th, Magdalene, both of whom died unmarried.

Lord Garnock, in 1708, finding himself indisposed, and being anxious to provide for the younger members of his family, on 23d September, that year, executed a bond of provision, whereby, after reciting that he had “John, James, David, Charles, Margaret, Ann, and Magdalene, his children, (besides his eldest son,) all unprovided to any bairn's part, provision and portion natural; and that the law of God and nature did call and oblige him to provide for them, and each one of them, in such manner as he should think fit and convenient;” he did, therefore, by said bond provide the sum of 12,000 merks, usual money of Scotland, to the said John and James Crawford, his said sons, and other sums therein mentioned, to his other children before named. His Lordship died in December following, three months after executing said bond of provision, and his remains were interred in the family vault in Kilbirnie Kirk.

Under his Lordship's directions that edifice was repaired, and the family seat splendidly ornamented with architectural decorations carved in oak. On the front of the gallery there are em-



J. Smith del.

W. F. Keble del.

KULLBIRKIE KIRK.
from the South-East

blazoned the armorial bearings of twelve families with whom that of Kilbirnie was allied, and the other parts of the interior display much fanciful workmanship. This renders the kirk an object unique in its kind, and attracts the notice of the curious in heraldry and antiquities. We give a view of the exterior of this edifice taken from the southeast. It affords a fair specimen of that humble style of Scottish kirk which succeeded the imposing structures of the Roman hierarchy, but which is now fast disappearing before a more suitable and useful style of ecclesiastical architecture. To the left of the engraving is seen the tomb of the renowned Captain Thomas Crawford of Jordanhill, sixth son of Laurence Crawford of Kilbirnie, the fame of whose services has been transmitted by the historians of his country. He is styled by Robertson, "a gallant and enterprising officer;"¹ and his surprising the castle of Dumbarton on 2d April, 1571, was considered a service of great importance to the Regent Lennox. It appears that, in this undertaking, he was ably assisted by John Cunninghame of Drumquhassil, Matthew Douglas of Maines, and others who were included with him in an act of indemnity, by the Parliament held at Stirling, on 28th August of that year.² Drumquhassil and Maines were not so fortunate as their brave leader, for, being involved in a charge of treason, they were both executed at Edinburgh, in 1585.³ Captain Crawford died on 3d January, 1603, and was buried in this mausoleum, which he had previously erected for himself and his wife, Janet Ker, eldest daughter of Robert Ker of Kersland, a family of considerable antiquity in Ayrshire.⁴

and of the
tomb of
Captain
Thomas
Crawford.

His cha-
racter.

John, Viscount Garnock, in 1707, obtained a ratification under the great seal, of the lands and baronies of Kilbirnie, Glengarnock,

Notice of
the estate
of Glengar-

¹ Hist. of Scotland, book VI.

² Acts of Par. vol. III. p. 61.

³ Moysie's Memoirs, p. 52, printed at Edinburgh, 1830, and presented to the Maitland Club by James Dennistoun, Esq.

⁴ The walls of Kilbirnie Kirk contain a relic of a more humble description. On the western wall of the tower, there hangs one half of that instrument of humiliation and punishment called the *Jugs*. It was originally in two pieces, which, when joined, surrounded the whole neck. It is fixed by an iron chain in the wall, and when used, was fastened round the neck of the culprit, who was mounted on a pedestal, and there remained until liberated in due course of baronial or sessional pleasure.

nock. The
title to
which was
ratified by
Parliament
to Viscount
Garnock.

and others, containing an erection of the whole into the Barony of Kilbirnie, and ordaining the manor-place of Kilbirnie to be the principal messuage, &c. The estate of Glengarnock still belongs to the family. It anciently belonged to a branch of the family of Ridel, who were of great antiquity. Gervas Ridel was a witness to the *Inquisitio Davidis*, in 1116, and was a frequent witness to the charters of that prince, after he ascended the throne.¹ Other members of the family rose to great distinction, and acquired considerable landed estates in various districts of Scotland. One branch very early acquired the estate of Glengarnock. Prior to 1268, — Ridel, the heiress of Glengarnock, was married to the gallant Hervey Cuninghame, of Kilmaurs, who behaved with distinguished valour at the battle of Largs.² Galfridus Cuninghame, the second son of this marriage, was the ancestor of the Cuninghames of Glengarnock, who held this estate for several centuries. Umfridus Cuninghame of Glengarnock, sat in the Parliament held at Edinburgh, 2d April, 1481, in the reign of James the Third.³ His daughter, Agnes, was married to Sir Andrew Moray of Abercairney, and their son, John, married Agnes, daughter of the Master of Montgomery. The family of Glengarnock continued in great repute for several centuries, but latterly fell, and the estate was acquired by the family of Kilbirnie.⁴ The manor-place of this estate was Glengarnock Castle, which was placed on a promontory on the banks of the Garnock. The river winded round two sides of this projection, and the only access to the house was at the front, from the northeast, on which side, and at a distance of 200 feet, there was a dry moat and draw-bridge. There is still a hollow in the surface, which marks out the course of the moat. This house has not been inhabited for a long period, and is now a complete ruin. The ground-plan can still be traced, though with considerable difficulty. From a measurement lately taken, it appears that the entrance front was forty-six feet long, and twenty feet high, with a window on each side of the door.

Glengarnock
Castle.

¹ Sir James Dalrymple's Hist. Coll. p. 348. Caledonia, vol. I. p. 506.

² Douglas' Peerage, vol. I. p. 632.

³ Acts of Parliament, vol. II. p. 132.

⁴ There were two families of Cuninghame of Glengarnock, as is shown in Robertson's Ayrshire Families, vol. I. pp. 309-13.

After entering, there was a passage fifty-six feet long, and sixteen wide, leading to the main building, which presented a front of forty-four feet in length, and twelve feet higher than the outer walls. The upper story contained only one room, which was thirty-two feet long, and twenty-one wide, within the walls. One window in this room overlooked the chasm of the river, at a height of sixty feet, and two looked into the front passage. The roof seems to have been flat, and covered with stones. Notwithstanding the magnitude of this edifice, it appears to have afforded poor accommodation, and though it must have been reared at great expense, it could not have been a place of much strength, at least under the system of modern warfare, as it is fully commanded from several adjoining heights. The ruins show neither the machicolated battlement, or arrow-slit of ancient defence, nor the embrasure of more modern times. It is, however, without doubt, very ancient: The rude style of architecture, the useless and unskilful waste of material, and the uncomfortable situation, all betoken an age in which civilisation had made little progress. Some have imagined that it was the residence of the De Morville family, the Lords of Cunninghame, there being no other ruin in the district which exhibits so great antiquity, and so much decayed grandeur. This is, however, purely fanciful, and is only worthy of being classed with the kindred conceit of its being the residence of Hardyknute! It is singular that Glengarnock Castle is not laid down in the map of Cunninghame, in Blaeu's Atlas, published in 1654, while houses of much less appearance, and of less acknowledged antiquity, are given in the neighbourhood. The ruins present a bold and dignified aspect, and form a very prominent object to the surrounding country; and the prospect from the heights to the north of the building is beautifully varied and extensive. As these ruins are fast giving way to the all-subduing conqueror, it is hoped that this digression will be acceptable to those who wish to save from utter oblivion all that can now be known of the history of a place of so much antiquity.¹

¹ The ruins stand upon the farm of Blackburn, now part of the estate of William Cochrane, Esq. of Ladyland.

Patrick, second Viscount Garnock.

John, Viscount Garnock, was succeeded by his eldest son, Patrick, second Viscount Garnock. It appears that the provisions in favour of the younger children were not readily forthcoming; for on 1st July, 1728, the bond was registered, and diligence raised thereon against Patrick, Lord Garnock, at the instance of his brothers and sisters. At this period they were all minors except the two eldest, John and James; and in order to authorize the diligence to be legally executed for behoof of those in minority, John and James were named curators *ad litem* by the Court for their younger brothers and sisters. The appointment of John and James as curators *ad litem*, implies that they were, not only the confidential friends of the parties who were minors, and whose interest they were appointed to guard and protect, but that they were in the confidence of the legal adviser of the parties, who had charge of the suit, and that they were known to, or approved of, by the judge who nominated them. It was customary at that period for curators *ad litem* to give their oath *de fidei* upon their appointment, though in modern times the practice has relaxed in this particular.¹ John and James Crawford having been thus authorized, proceeded to adjudge their brother's estates, not only for their own provisions, but also for the provisions of their younger brothers and sisters; and they obtained decree of adjudication on the 12th July, 1723. Afterwards, Patrick, Lord Garnock, was enabled periodically to liquidate the provisions to his brothers and sisters; though, at the death of John, in 1739, and at the death of James, in 1745, part of their provisions remained undischarged, and what remained was attached by Patrick Bogle, Lord Shewalton, who was their creditor, in the manner to be afterwards detailed.

His marriage and family.

Patrick, Lord Garnock, married Margaret, daughter of George Home of Kello, in Berwickshire, and by her had five children; 1st, John, third Viscount of Garnock; 2d, George, fourth Viscount of Garnock; 3d, Margaret, who died an infant; 4th, Janet, who died unmarried; and, 5th, Christian Grahame Crawford, who was married at Duddingstone, on 13th March, 1747, to Patrick Bogle, jun.

¹ Bankton's Institutes, book I. tit. 7. sect. 50.

of Hamilton farm, and died 18th June, 1748. Of this lady some farther notice will be taken in the sequel.

Patrick, Lord Garnock, having died on the 29th May, 1735, was succeeded by his eldest son John, third Viscount of Garnock, who died at Edinburgh, on the 22d September, 1738, in the 17th year of his age, unmarried, and was succeeded by his brother George, the fourth Viscount of Garnock. He was born in the year 1729, and finished his education at St Andrews, as, from evidence to be afterwards noticed, we find him there in 1745, at the period of the death of the Honourable James Crawford, his uncle.

John, third
Viscount
Garnock.

George,
fourth Vis-
count Gar-
nock,

In 1747, his Lordship was a Lieutenant in Lord Drumlanrig's regiment, then in the service of the States of Holland; and on the death of the celebrated John, eighteenth Earl of Crawford, and fourth of Lindsay, he succeeded to these dignities, and the estates of that family. It appears, however, that the Crawford property had been greatly involved, as Lord Garnock took the precaution, observed in such cases, of having himself served heir to Earl John *cum beneficio inventarii*, and thereby to guard against involving himself for Earl Crawford's debts to any farther extent than the amount of the succession. His Lordship, after much trouble and exertion, bought up the debts affecting the Crawford property, and added to the family estates by several purchases. He married, in December, 1755, Jean, eldest daughter and heiress of Robert Hamilton of Bourtreehill, by whom he acquired a great accession of property. After their marriage, they resided at the house of Kilbirnie, from which they were driven by a serious and destructive fire, the particulars of which are still remembered by old people in the neighbourhood. It was on a calm Sunday morning, in the month of April, 1757, when the family were unconscious of danger, that one of the servants, in going to the stables, observed smoke issuing from the roof of the mansion-house, and gave the alarm. Lord Crawford came instantly down, and seeing the reality of the danger, ran to the garrets, when it was found that the fire was in the apartment called the barracks-room, which was kept for the servants of visitors; and when not so occupied, was used as a lumber-room. On opening the door of this apartment, the flames burst forth with

succeeds to
John,
eighteenth
Earl Craw-
furd, &c.

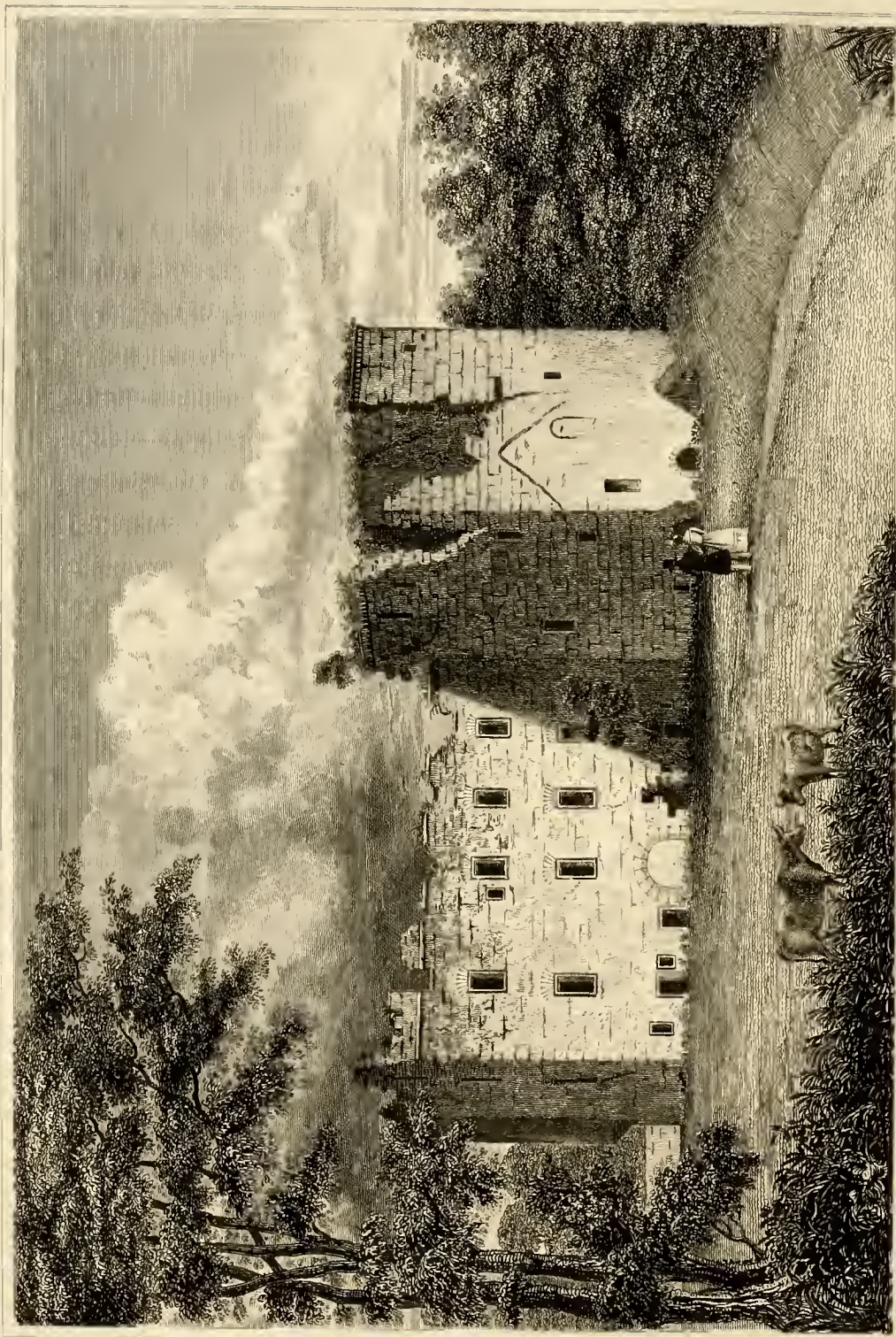
His mar-
riage.

Destruc-
tion of the
Mansion-
house of
Kilbirnie
by fire.

tremendous fury, and spread rapidly over the whole attic story. In this situation, the chief object was to save the inmates from impending destruction. Lord Crawford ran to Lady Crawford's bedroom, and having seized his sleeping infant daughter, Jean, (afterwards Countess of Eglinton,) from the arms of her nurse, he hurried with her to the open air. The whole members of the family followed, and in a few minutes every one was convinced that the devouring element was unconquerable. The alarm soon spread over the country. Crowds of people came running from all quarters ; but, amidst the unavailing services of a lamenting peasantry, the stately mansion of Kilbirnie was completely destroyed. The family were obliged to take shelter in the manse, and afterwards removed to Bourtreehill. The house of Kilbirnie was never rebuilt, and its ruins remain in melancholy contrast to its former splendour. The cause of the fire was long involved in mystery ; and there are legends still floating in the neighbourhood, which throw an air of romance over the destruction of this residence. Some years previous, while Lord Crawford was absent, the lower part of the house was inhabited by tenants ; they used to hear unknown sounds in the rooms above,—the rustling of richly-attired dames pacing along the corridors,—and when “ the iron tongue of midnight had told twelve,” shrieks and groans fell on their listening ears ! The watchful dog, instead of barking, used to creep near the fire, and seek protection from those he should have gone out to defend. As these were indications of unheard-of crimes, no doubt the destruction of the house was an act of retributive justice on the descendants of the criminals ; and it was so viewed by those who gave ear to the stories of

“ The pupils in the many-chamber'd school,
Where Superstition *wove* her airy dreams.”

But such sounds can be heard no more. The peasant and his dog can now stroll about the ruins of Kilbirnie-House at the “ dark and solemn hour,” without hearing any noise, but what the one can answer, and the other not only bark at, but turn to pursue. It is known that the fire was occasioned by some sparks, from one of the



J. Swan Sc.

KILBIRNIE CASTLE.

From the North East.

W. G. Bie del.

chimney-tops, falling into the garret through a window, carelessly left open on the preceding evening.

As the ruins of Kilbirnie-House form an interesting object in the surrounding landscape, we have annexed an engraving, which exhibits a correct view of them as seen from the north. It will be noticed that the building consisted of two parts—the square tower, common in feudal times, and an addition to the front in more modern style. Being situated on rising ground, the ruins are seen at a considerable distance, and have much of that imposing grandeur which is given to ruins and denied to inhabited houses, however antique or magnificent! No attempt was ever made by the family to repair this residence. The adjoining offices were fitted up as shooting quarters, and were occasionally so occupied; but for many years these have been let along with the farm. The chief residence of the family is now Crawford Priory, in Fife, where Lady Mary Lindsay Crawford has erected a mansion in the Gothic style of architecture, which forms a powerful and splendid contrast to the dilapidated house of Kilbirnie. We refer to the frontispiece of this work for a view of Crawford Priory, and have no doubt of the reader's concurring with us in opinion, that it reflects no small degree of credit on the skill which designed, and on the taste which adopted, a plan of such magnificence.

The issue of the marriage between George, Earl of Crawford, and his lady, consisted of three sons and two daughters; 1st, George, his successor; 2d, the Honourable Robert Lindsay Hamilton, who entered the army, and had a company in the 92d foot, and afterwards in the 21st—he died unmarried at Buxton, on 2d November, 1801; 3d, the Honourable Bute Lindsay, who also entered the army, and had a company in the 92d foot, and died unmarried; 4th, Lady Jean, the first-born of the family, who, in infancy, was saved from the fire, as before mentioned, and who married, 20th March, 1772, Archibald, eleventh Earl of Eglinton, and died, without issue, on 22d January, 1778, aged twenty-one; and 5th, Lady Mary Lindsay, now in possession of the estates.

George, the twentieth Earl Crawford, succeeded his father in 1781. He entered the army as an ensign in the 51st, and after-

Descrip-
tion of the
view of
Kilbirnie-
House,

and of that
of Craw-
furd Pri-
ory.

Family of
George,
Earl
Crawford.

George
twentieth
Earl Craw-

furd, fifth
Viscount
Garnock.

His death.

Succession
of Lady
Mary
Lindsay
Crawfurd,
his sister,
to the
Estates.

Claimants
to the
Peerage.

Appear-
ance of
John
Crawfurd,
the claim-
ant.

His arri-
val at
Ayr.

wards had a company and a majority in the 92d, and obtained the rank of major-general in January, 1805. His Lordship was Lord-Lieutenant of Fifeshire, and Colonel of the Fifeshire Militia. He died unmarried in January, 1808, and was succeeded in the estates by his only surviving sister, Lady Mary Lindsay Crawfurd. This succession was secured, as to the Kilbirnie estate, under the original entail of Sir John Crawfurd of Kilbirnie; and as to the other estates, under the entail of her father's trustees, in 1800.

After the death of the last Earl, various claims were put forth for the peerage. The only one of these, which it is our object at present to discuss, is that preferred by a person of the name of John Crawfurd, who came from Dungannon, in the north of Ireland. It is supposed that his ancestors were of Scotch origin, probably of some family which took refuge in Ireland from the persecutions of 1666-1680, of which the history of that period furnishes many examples. Whether he believed himself to be connected with the family of Kilbirnie, or came over on a goodly adventure, it is not for us at present to say. After perusing the details to be submitted to the considerate examination of the reader, he will be left to draw his own conclusions on this, as well as on the other parts of the case. Certain it is, that this person's appearance excited no small surprise among the friends of the Kilbirnie family, as none of them had ever heard that any of their ancestors had settled in Ireland. When the claimant, John Crawfurd, arrived in Ayr, in January, 1809, he appears to have known nothing of his own pedigree. Having lodged in the house of James Anderson, innkeeper, he made enquiries after the Kilbirnie family at "mine host," who recommended him to consult William Wood, a weaver in the neighbourhood, who was represented as a person skilled in genealogy. Accordingly, William was sent for, and having interrogated the claimant, found him deficient in his own family history. Wood agreed to make him better acquainted with the genealogy of the Crawfurds; and having got a copy of Crawfurd's History of Renfrewshire, he extracted from it the account of the Crawfurds of Kilbirnie, to which he made some modern additions, and then gave it to the claimant. Mr Wood suggested to the claimant, that he

should add Lindsay to his name ; but to this the claimant at first objected, though he afterwards yielded, and so became *John Lindsay Crawford*. For this invaluable suggestion, the claimant soon became ungrateful ; for it was not long until he wrote to a friend in Ireland, “ *Wood is a great scoundrel*, but he is all in the dark.” This, however, will be more fully explained, and better understood, afterwards. The claimant found his way to Kilbirnie, and having seen in the parish registers the entry of the birth and baptism of James Crawford, the third son of John, first Viscount Garnock, and finding some dubiety about his fate in the enquiries he made in the neighbourhood, he fixed upon him as his ancestor, who had gone to Ireland and settled there. He then introduced himself to John Montgomery of Ladeside, who had a small property in Kilbirnie, which his grandfather had feued from Patrick, second Viscount Garnock, to whom he had been gardener. The claimant found Montgomery a credulous person, and one much disposed to listen to his story. The story itself began to circulate. The villagers stared at a person coming to claim dominion over them, and many were pleased at the idea of a poor man’s arriving at an Earldom, rebuilding the ancient house of Kilbirnie, and restoring grandeur to a place which had been so long in ruins.

Assumes
the name
of Lind-
say.

His pro-
ceedings.

Besides these refined feelings, there was the more palpable one of profit. The claimant stood in need of cash to prosecute his claims, and recover his rights. Those, therefore, who came forward to assist him in this most laudable undertaking, were not only to receive thanks, but a more tangible return. Farms were to be given on long leases at moderate rents ; one was to be factor, another chamberlain, and many were to be converted from being hewers of wood and drawers of water, to what they esteemed the less laborious, and therefore more honourable, posts of butlers and bakers, and body servants of all descriptions. These cheering prospects were speedily to be realized if money was forthcoming, and the money was forthcoming accordingly. Poor peasants and farmers, cottagers and their masters, threw their stakes into the claimant’s lucky-bag, from which they were afterwards to draw “ all prizes and no blanks.”

Several persons were induced to make advances to the claimant

His sup-
port from

people at
Kilbirnie.
John
Montgo-
mery of
Ladeside.

to an extent which proved injurious to themselves, and it is no longer a matter of doubt, that John Montgomery and his family have been ruined by their connexion with him. Montgomery being a weak man, was tempted by the golden prospects of the claimant's success, to go beyond his strength in his engagements for him. Like Sir Arthur Wardour, he believed that the next motion of the claimant was to be as successful as the next experiment of Dousterswivel. There was no friendly Edie to suggest doubts to his credulous mind, and he went on so believing, until he was obliged to mortgage his little property, and expatriate himself. He made over his property to his eldest son Peter, and went to America, where, it is said, he died. His son rushed into the vortex also. He gave ear to all the stories of the claimant; involved himself and his property deeper than before, until it ended in his bankruptcy. Nor were the effects of the claimant's intercourse confined to robbing these people of their means. They saw so much artifice and falsehood in the management of his affairs, that they were seduced from their honest callings, and betook themselves to more dangerous courses. William Montgomery, the second son of John, was transported to Botany Bay, in the end of 1827, for issuing forged notes. Peter, the eldest, was involved in several actions at law, where it was alleged the documents he produced and founded on were forged, and he was repeatedly brought to the bar of the Circuit Court of Justiciary for issuing forged notes, and was at length, for this crime, sentenced to transportation for fourteen years. His conviction proceeded on his own judicial admission; and a person who had received some education, and might have been a useful member of society, fell into the infamy of a common felon. In the claimant's printed cases, Peter Montgomery is held up as "a young gentleman of respectability," and while he was ruining himself in the claimant's cause, he received the claimant's praise;¹ but when this could be no longer the case, he was accused by the claimant and his friends, of unfaithfulness towards him, and of fraudulently using for his own purpose, the money which had been put into his hands in aid of the claimant's case.²

His fate,
and that of
his sons.

¹ The Crawford Peerage, p. 267.

² Ibid. 266.

The claimant practised on the credulity and purses of the people at Kilbirnie for some years. In the meantime he commenced his judicial proceedings. He went to Edinburgh, and having employed Mr James Lang, writer, took out a brief, in March, 1810, for serving himself heir-male of John, first Viscount of Garnock. This being opposed by Lady M. L. Crawford, a proof was allowed, and taken at Ayr and in Ireland. Having failed in this essential department, Mr Lang gave up the case, and the claimant employed Mr Andrew Steele, W.S., who, seeing the doubtful appearance of the oral evidence, suggested a search for written documents, to prove the connexion between James Crawford, the ancestor of the claimant, and the house of Kilbirnie. Written documents were found and given to Mr Steele, who judicially produced them for the claimant in his service in June, 1811. These documents being forgeries, the claimant was accused of being accessory to the forgery of them, or at least of using them for his own purposes, knowing them to be forged; and he, along with James Bradley, a person to be afterwards more particularly noticed, was brought to trial before the High Court of Justiciary, in February, 1812; both were sentenced to fourteen years' transportation. While under sentence, the claimant wrote a sketch of his life, which was printed at Dalry, in Ayrshire, and published before the sentence was carried into execution. The claimant arrived in New South Wales in October, 1813, and having ingratiated himself with Governor MacQuarrie, got part of his punishment remitted, and returned to Great Britain in 1820. He recommenced his proceedings, and as his unexpected return seemed to imply that he had been unjustly transported, his friends took encouragement from this circumstance, and again came forward with subscriptions and advances for him. His case was put under charge of Mr Henry Nugent Bell of London, and it is said that no less a sum than L.5036, 3s. was put into his hands for prosecuting the claim. Mr Bell was known as the successful conductor of the case for the claimant of the Huntingdon Peerage, and was by profession a genealogist. He went to Ireland and Scotland to investigate Mr Crawford's claims, and on his return to London, prepared and printed a Case, which was to be laid before the Lords' Committee of Pri-

The claimant's proceedings at law.

Accused of forgery.

Tried and convicted.

His return from New South Wales.

His proceedings recommenced.

Mr Henry Nugent Bell employed.

Case prepared by him.

vileges, to whom the claim was said to have been remitted in the usual form. Mr Bell died suddenly in October, 1822, in a state of insolvency. Mr Crawford's money was in a great measure lost, as nothing had been done in furtherance of his claim, beyond the preparation of this Case. The friends of the claimant again rallied. Several most respectable persons in London interested themselves in his favour, and resolved to have his claim fairly investigated. If it was found deserving of encouragement, they agreed to carry it through ; and if not, to abandon it altogether. When it is known that Sir Charles Forbes, Baronet, was at the head of these subscribers, it must be admitted, on all hands, that the claimant had most respectable support, and could be in no want of funds. These gentlemen named Mr James Buckton, solicitor, Doctors' Commons, to take charge of the case ; and Mr Buckton having procured from Henry Brougham, Esq. a favourable opinion, it was agreed that he should go to Scotland to investigate the claimant's pretensions. In this enquiry, Mr Buckton was to be joined by Mr John Bowie, W.S. Accordingly, these gentlemen made a patient and faithful investigation, as will be afterwards detailed ; they reported unfavourably to their employers in London, who were persuaded that the claimant had no right to the descent he claimed from the family of Kilbirnie, and therefore abandoned the further prosecution of his claim, as well as their patronage of himself. After this the claimant got some anonymous person to engage in his cause, and a second Case was published for him in 1824, in which all his pretensions were most pertinaciously repeated, and the conduct of Mr Buckton, and of Mr Bowie, condemned as unfaithful and unjust. To such a length is the abuse of Mr Buckton carried, that it destroys the effect which the writer's talents were otherwise calculated to produce. This libellous document was, however, speedily withdrawn from circulation, and little more was said on the claimant's affairs until October, 1829, when a quarto case for him made its appearance, entitled, " The Crawford Peerage." This work consisted of 470 pages, and had a list of upwards of 300 subscribers. In it all the statements of the claim were adhered to, the evidence repeated, the calumnies against all who had deserted him re-asserted,

Mr Bell's death.

Resolution of the claimant's friends.

Mr Buckton employed by them.

Investigation by him and Mr Bowie. Their report.

A new Case prepared for the claimant.

Publication of " The Crawford Peerage."

with no lack of scurrility and abuse, and the claimant himself held up as a much-injured persecuted man, deprived of his just rights by perjury and bribery. Under all circumstances, it has been thought advisable to meet these clamorous vituperations of the claimant, by a calm enquiry into the origin of his claim, and an examination of the evidence, with which he has endeavoured to support it. The reader is requested to follow this investigation with patience, to take no statement of this answer without the evidence referred to, to weigh the whole with candour, and then to judge upon whom the accusations of perjury and falsehood ought to fall. It is not doubted, that the result will be a conviction, that these accusations must be retorted upon the claimant himself; and as in the case of him who would communicate a deadly draught to another, so in this will it appear, that

Even-handed justice
Commands the ingredients of the poison'd chalice
To his own lips.

SECTION SECOND.—OF THE HISTORY OF THE HONOURABLE JAMES CRAWFURD.

THE claimant's uniform account of his ancestor, James Crawford, is, that he was the third son of John, first Viscount of Garnock : That in early life he fell in love with *Lady* Susan Kennedy, daughter of Sir Archibald Kennedy of Culzean ; but being opposed by an English gentleman, they quarrelled and fought a duel, in which Mr Crawford having acted unfairly, by firing before the seconds gave the signal, and, having killed his antagonist, was held guilty of murder, and absconded from justice. It is said that he fled to Ireland ; that, being known to the family of Dawson of Castle Dawson, he was taken into their employment, at their residence in the north of Ireland, and that soon after his arrival there he married a Miss Mary Jamieson. That he continued chiefly, and almost uninterruptedly, to live at Castle Dawson, and died at Anaghmore, in that neighbourhood, in 1765. By his wife, Mary Jamieson, he is said to have had two sons, 1st, Andrew, who died without issue, and, 2d,

The claimant's account of his ancestor,

Hugh, who died in 1765, leaving two sons, James and Robert. James left two sons, Thomas and James. Thomas died young in 1788, James was drowned in the Thames in 1809, both without issue. Robert, the second son of Hugh, died in 1800, leaving the present claimant, John Lindsay Crawford.

as given in
his different
publica-
tions.

As it is of consequence for the reader to be aware how this account of the Honourable James Crawford, and his descendants, is given in the different publications of the claimant's case, and how this statement has been supported by his witnesses, the whole of this part of his story will now be fully and fairly brought forward. It would be unfair to withhold any part of this statement, as it is the foundation upon which the whole structure of the claimant rests.

Claimant's
sketch, p. 4.

In the sketch of the claimant's life, written by himself after his trial, and published in 1812, he says, p. 4, "From my earliest years I recollect of having always heard it mentioned by my father, and by the oldest of his relations, that my great-grandfather, James Crawford, was the son of a Scotch nobleman in the county of Ayr, and that he had found it necessary, at an early period of his life, to leave Scotland, and to settle in Ireland; *from reasons he was never willing to assign.*" This is all that the claimant ventures to state in his own name, and as consistent with his own personal knowledge; but in a subsequent part of the book, he gives the evidence of several persons on this subject, to which it is proper to attend.

Ibid. p. 44.

Thus, at p. 44, he gives the deposition of Michael Keenan of Tulnavagh, near Ballaghey, who depones, "that when a boy about ten years old, he carried his father's dinner to Baron Dawson's work. That James Crawford of Broagh was their land-steward, or overseer to the Baron. Deponent heard James Crawford ask labourers' advice what was the best way of performing some parts of the work; heard him also say, that if it had not been for bad luck, he might have lived in his own country (Scotland), as Mr Dawson; then said Simeon (deponent's father), 'why do you not go back to your own country?' Mr Crawford said, 'he would not go to reside there.' Simeon said, 'that *proves that the report is true of your killing a*

Ibid. p. 49.

man and flying the country.'" And Agnes Gibson of Kilbirnie, aged 86, declares, "and will depone if called on, that she well re-

members Mr James Crawford, brother to the Viscount of Garnock, and great-grandfather to the claimant; had seen him at Kilbirnie place or house different times, when *over on visits from Ireland*. Remembers to have *seen letters from him, dated at Castle Dawson, Ireland*. Also at a certain time deponent wrote a letter to him for Mrs Orr, a Ann Crawford, his niece, (a natural daughter of his brother Mr David's,) who married William Orr, of the old house of Kilbirnie Kirk. Also remembers letters to come and go to and from Kilbirnie by Kintyre; remembers of *seeing a daughter* of Mr James Crawford's, who came from Ireland, and was received by the ladies and family; was considered a well-bred girl, whose name was Margaret. She did not remain long on visit; nor does declarant remember of seeing her but the one time."

"Robert Kerr, sheriff-officer in Ayr, deponeth, that he is 70 years of age and upwards; remembers of his mother being in Lady Susan Kennedy's service, afterwards Countess of Eglinton—she, wishing to pay him a compliment, on account of his mother, asked him 'what occupation he wished for, he being a young lad;' he replied, 'he wished to be a gardener.' Her Ladyship said, 'she would do better than that for him, for that she would send him to a Mr Crawford *in Ireland*, that she was acquainted with, and that gentleman would get him comfortably situated;' but he depones that his mother would not let him gang." Upon this affidavit the claimant remarks, p. 50, "Now this agrees with the declarations of Mrs Urie oftentimes to the claimant, in repeating the early correspondence that had taken place betwixt the Honourable James Crawford and Lady Susan Kennedy, *which was the consequent means of his having to emigrate to Ireland, and there lead a recluse life.*"

"Robert Crawford, shoemaker in Beith, aged 83 years, solemnly declares, that he knew James Crawford, brother to the Viscount of Garnock; saw him many times, particularly in his father's house, along with his brother John, writer to the signet; declares that he heard his father ask John if his brother James was married; he answered he was, and *had got a fine young lady and a family*; declares also, that Mr James came to his father's house in a day or two along with his brother John; declares he heard John say to

Sketch, p.
50.

ibid. p. 50.

his brother James, that Hugh Crawford was asking for your wife and family, and his answer was, that he left them *all well* when he left Ireland, and *was soon to go back again* ; and about ten or fourteen days after saw him at Kilbirnie Loch, walking with his brother John, and a John Steel ; declares he told him to give his compliments to his father and mother, and tell them that he was going back to Ireland again to his wife and family."

Sketch, p.
51.

" Matthew Orr, near Dalry, aged 80, remembers of seeing James Crawford once or twice in his father's house ; declares, that at a certain time, he heard Mr James Crawford say, '*Helen, I must leave this country for Ireland again.*' His mother Helen said, ' I am sorry for that ;' declares, that James Crawford often called in his mother's ; and the reason was, she had been many years a servant in the Kilbirnie House, and was married during the time of being in said service."

Ibid. p. 51.

" John Allan, aged near 60, remembers of being asked into the late Lord Crawford's dining-room, at the old house of Kilbirnie ; heard my Lord interrogated by Dr Montgomerie at the time of dinner, by asking who would be his heir if he would not marry. *His Lordship replied very candidly*, ' that there was a family in Ireland from whence the heir would come, and it would be either a Hugh or a Robert Crawford that he thought would succeed.'"

Ibid. p. 51.

" Duncan M'Callum, aged about 87, lives at Campbelton, in Kintyre ; was well acquainted with the Losset family, and especially Mr Neil M'Neil of Ugidale, and his spouse, Margaret Crawford, from Kilbirnie family ; declares, that he often heard the said *Margaret Crawford say and make mention of her brother James in Ireland* ; and declarant minds of seeing him at Losset several times ; and declarant often heard said Margaret Crawford say and mention, that she *received letters from her brother James in Ireland* ; but does not recollect the particular place, *but thinks it was beyond Belfast* ; heard herself make mention of sending letters to the said *James Crawford to Ireland.*"

Ibid. p. 52.

" Agnes Gibson again solemnly declares, that she knew Mr James Crawford and his brother John, who was a writer to the signet ; declares that the first-time she saw him was at the factor's door at

the Crooked house, along with Mr Glasgow, the factor, and his brother John ; the next time at the place of Kilbirnie, having occasion sometimes to go there ; the next time was *after his brother Lord Patrick's death*, in her father's house, (Andrew Gibson, carrier, Kirk-hut of Beith,) and *was going back to Ireland again ; some time after* saw his *eldest daughter Margaret* sitting in the kirk, in the family seat of Kilbirnie ; next walking in the garden, along with Lady Gremmie¹ and Janet, her two cousins ; declares that she *heard of Hugh Crawford*, son of James Crawford, often ; but cannot say that ever she saw him ; declares, that she recollects seeing a letter that Mrs Orr (Ann Crawford) got, that was sent from Mr James, her uncle, out of Castle Dawson, in Ireland, to the said Mrs Orr, at the Kirk of Kilbirnie, and part of the contents was, *that his wife was safely delivered of a son.*"

Such is the substance of the claimant's statement in regard to that part of the Honourable James Crawford's history now under consideration. It is worthy of notice, that though the witnesses are made to speak positively to his residence at Castle Dawson, of his being married, and having a family, the cause of his going to Ireland is merely hinted at. The claimant himself had not known the cause prior to his coming to Scotland on his enquiries ; and though Agnes Gibson is twice examined, she does not state her knowledge of any reason for James Crawford's going to Ireland. The remark made by the claimant himself on the evidence of Kerr, the town-officer at Ayr, does not imply that the cause of James Crawford's going to Ireland was a duel.

In the Case for Mr Crawford, prepared by Mr Bell, in 1822, and intended to be laid before the Lords' Committee of Privileges, this part of the history of the Honourable James Crawford is more fully developed, and to this the attention of the reader is now requested.

Mr Bell's
Case.

From Mr Bell's Case, it appears that Agnes Gibson had been again examined on 24th September, 1812, before one of the Magis-

¹ By Lady Gremmie, (Grahamie,) and Lady Janet, must be meant the Honourable Christian Grahame Crawford, and her sister Janet, who were daughters of Patrick, second Lord Garnock.

Mr Bell's
Case, p. 19.

trates of Paisley, and upon this occasion had emitted the following oath, which is given at full length, as the incident of the duel is now introduced :—“ Agnes Gibson, widow of the deceased James Walker, farmer in Bankside, in the parish of Kilbirnie, part of the estate of Kilbirnie, having been solemnly sworn and examined, depones, that she is 86 years of age, but that her bodily health is good, and her memory sufficiently distinct with regard to events that happened in her youth : depones, that her husband was a tenant upon the estate of Kilbirnie, belonging to the then Viscount Garnock, and afterwards to Lord Crawford ; that she was well acquainted with the different members of the family of Crawford then existing ; and among the oldest things she recollects, is the funeral of Lord Patrick, Viscount of Garnock, who died when she was a child about *six years old*. That Lord Patrick was the oldest son of the family, and was married, and had issue, but his issue is long ago extinct. That the next eldest brother's name was John, who was a writer to the signet in Edinburgh, and who died there a bachelor. That the third brother's name was James, who, it consists with her perfect knowledge, went to Ireland, where he married and had a family ; that the cause of his going, as reported in that part of the country, was, *that he had killed a person of quality in a duel, arising from a love affair with a lady* ; that this James was afterwards frequently at Kilbirnie *from Ireland*, and she saw him upon different occasions, and particularly in the family seat in the church of Kilbirnie. That upon these occasions the said Mr James Crawford was recognised by the whole family as their brother, and also by the factor Mr Glasgow ; and after the noise about the duel had subsided, he was frequently over from Ireland visiting his friends ; that *she heard and understood*, on account of the respectability of his birth and connexions, he had been introduced to the family of a Colonel Dawson in Ireland, who appointed him factor and steward. That she has also seen letters from this James to the family, and heard said letters read, and which letters sometimes *intimated the birth of his children*. That David was the fourth brother, but he died without any other issue than a natural daughter, who is dead, David never having married ; and the deponent herself wrote a

letter from said natural daughter, addressed to the said Mr James Crawford in Ireland : that Charles was the next youngest brother, and he also died without lawful issue. That she heard that James's eldest son was named Hugh, *and that he was at Kilbirnie upon one occasion, but she did not see him.* That James had a daughter named Margaret, whom she has seen at Kilbirnie-House, *upon a visit from Ireland*, who was received and recognised by the family as their niece ; and she has seen her in the family seat in the church with the ladies of the family, her aunts." In like manner Matthew Orr was again examined in 1812, and for the first time mentions the report of the duel. He depones, " that his bodily health is good, and his memory sufficiently recollected of what happened in the earlier part of his life. Depones, that his mother was servant in the family of Patrick, Viscount Garnock, known by the appellation of Lord Patrick ; and he has seen Mr James Crawford, whom he knew to be a brother of the family, amongst with the gentlemen of the neighbourhood, fishing and hunting ; that he understood that he was from Ireland, as the deponent heard him say to his mother, that he believed *he would have to go back again to Ireland* ; that the deponent saw his brother John along with him, and he was recognised by the family as their brother. That the deponent afterwards heard that it was inconvenient for Mr James to be long in this part of the country at one time, *as he had killed some person in a duel.*"

Mr Bell's
Case, p. 19.

It is here proper to notice, that though Robert Crawford, shoemaker in Beith, was examined a second time before one of the Magistrates of Paisley, and though he was an older man than Matthew Orr, *he makes no mention of the duel.*

Mr Bell narrates, that when he went to Ireland to investigate Mr Crawford's case, " as soon as it was known in the village of Castle Dawson, that I had arrived for the purpose of collecting evidence to support Mr Crawford's petition, numbers of very old people presented themselves, and tendered their testimony, which I refused to take, until I first made strict enquiry relative to their character and veracity. Once assured they were *highly worthy of credit*, I took their depositions in writing, to the truth of which they were afterwards solemnly sworn by David Mackee, Esq., one

Ibid. p. 10.

of the commissioners appointed by the Lord Chancellor to take affidavits in the country." Of these depositions the following is given, as a specimen, without any abridgement, as it seems placed in the front, as leading the van of the whole Irish witnesses.

Mr Bell's
Case, p. 11.

"Mary Quigly of Ballymuldrig, widow and relict of the late John Quigly of Killyfaddy, in the county of Londonderry, farmer, deceased, came before me this day, and made oath on the Holy Evangelists, and swears, that she, this deponent, is in the 79th year of her age; and that she personally knew, and was intimately acquainted with, James Crawford of the Broagh, in the vicinity of Castle Dawson, and county of Londonderry; and that the said James Crawford was land-steward to Baron Arthur Dawson, of Castle Dawson aforesaid, and was called Scotch James, by way of distinction. And this deponent swears, she has repeatedly *heard, and verily believes*, that the said *James Crawford* was a native of Kilbirnie, in Ayrshire, Scotland, and was *brother to Lord Garnock* of Kilbirnie aforesaid; and that he, the said James Crawford, was *obliged to leave Scotland, in consequence of having killed a gentleman in a duel*. And this deponent swears, she personally knew, and was intimately acquainted with, Mary, the wife of the said James Crawford of Broagh, whose maiden name was Mary Jamieson; and that she, this deponent, perfectly and distinctly recollects the children of the said James Crawford; and that Margaret, commonly called Peggy Crawford, was their eldest daughter then living. And this deponent swears she was intimately acquainted with the said Margaret Crawford, and remembers she went to Scotland to see her relations at Kilbirnie. And this deponent further swears, she recollects that Mary, the wife of the said James Crawford, sent for the father of this deponent, and read letters to him, which *she received from Kilbirnie*, as she the said Mary informed this deponent's father, in the hearing of this deponent; and at the time the said Mary read said *letters she wept, and seemed in great sorrow*, and said she could not be longer separated from her child, meaning the said Margaret Crawford; and that she was determined to write for her to *return from Kilbirnie*. And this deponent swears, that this deponent's father advised said Mary Crawford not to write for her daughter Mar-

garet, and observed, it would be a pity to bring her home from such great friends ; and this deponent swears, she recollects the return of the said Margaret Crawford from Scotland ; and remembers that the said Margaret Crawford informed this deponent, that she was greatly grieved at being obliged to leave the *ladies at Kilbirnie*, who were *exceedingly kind to her* ; and this deponent swears, she believes the ladies so described by the said Margaret Crawford, *were the wife, sisters, and daughters of Lord Garnock* of Kilbirnie, or Lord Crawford—this deponent not being able, at this distant period of time, *to remember which was the title then mentioned*. And this deponent swears, that she perfectly recollects the person of the said James Crawford of Broagh, and that he had the appearance of a gentleman of rank, and was quiet and reserved in his temper, and rather silent, which the people of the neighbourhood attributed *to his having killed a man*, as was at that time reported. And this deponent swears she remembers *Hugh Crawford*, the *eldest son* of the said James Crawford, who attained the age of manhood, or arrived at man's estate ; and this deponent recollects that the said *Hugh Crawford* often went to *Kilbirnie*, in Scotland, to see his relations there ; and this deponent swears she recollects that the said Hugh Crawford informed this deponent's father, in her presence and hearing, on one occasion after his return from Kilbirnie, in Scotland, that his, the said Hugh Crawford's, relation, the gentleman of Kilbirnie Castle, said to him, the said Hugh Crawford, ' I do not wish your pocket to want money, or be empty ; but I desire you will not spend it drinking with my servants, or in keeping low or mean company,' or words to this effect, as deponent best recollects ; and the said Hugh Crawford lamented or deplored his folly for not remaining at Kilbirnie, and taking the good advice he had received. And this deponent further swears, that she, this deponent, perfectly recollects said Hugh Crawford's wife, Margaret Peden, and their children ; remembers the funeral of the said Hugh Crawford, who was found dead at Castle Dawson Bridge, and who was supposed by many people to have been murdered and laid there. And this deponent swears, that she perfectly recollects James Crawford, the eldest son

of Hugh Crawford, and that he married a Miss Rose Evans, and that he had two sons by her ; that Thomas Crawford was the eldest, and died without ever having been married, and was buried at Castle Dawson aforesaid ; and that James was the second son of the aforesaid James Crawford, but what became of him the deponent does not now recollect. And this deponent swears she remembers Andrew, the second son of the said Hugh Crawford, and remembers his funeral, and that he died without ever having been married, and was buried at Castle Dawson. And this deponent swears she also recollects Robert Crawford, the third son of the said Hugh Crawford, who was married to a Miss Mary Booth ; and remembers the death of the said Robert Crawford. And this deponent swears she personally knows John Lindsay Crawford, Esq., the eldest son of the said Robert Crawford, and Mary, his wife, who, this deponent swears, she believes is now claiming to be Earl of Crawford and Lindsay. And this deponent swears, she verily believes the said John Lindsay Crawford is the eldest son of the said Robert Crawford, grandson of Hugh Crawford, and great-grandson of James Crawford of the Broagh, land-steward to Baron Arthur Dawson ; *and that he, the said James Crawford, was brother of Lord Garnock of Scotland ; and that such has been the tradition, reputation, and belief, of this deponent's family, who were very intimate, and near neighbours of the said James Crawford, in his, the said James Crawford's, lifetime."*

Mr Bell's
Case, p. 12.

The second deposition is that of Mrs Mary M'Crakin, who depones, " that she personally knew James Crawford of Broagh, and which place, or farm, of Broagh adjoins Castle Dawson ; and this deponent swears that the said James Crawford of Broagh aforesaid, was born in Scotland, as this deponent has repeatedly heard, and verily believes ; and this deponent swears, that the accent of the said James Crawford seemed to this deponent to be that of a Scotchman, or native of Scotland. This deponent further swears, she remembers the wife of the said James Crawford, whose maiden name was Jamieson, and that she lived to be very old. And this deponent swears, that she has often heard, and verily believes, that the said James Crawford of Broagh came from Kilbirnie, in Scotland,

and that he was *obliged to fly from his country, for having committed a murder, or shooting a man in a duel.*"

The incident of the duel is alluded to in the deposition of Patrick M'Elhanon, and sworn to by Henry Fullarton ; and various other witnesses all connect James Crawford of Broagh with the family of Kilbirnie ; but these will be more fully considered at a subsequent part of the case.

After Mr Bell had ascertained the authenticity of the affidavits taken at Paisley, he proceeded to Kilbirnie, where he examined the parish records, and took extracts of the baptisms and burials of several members of the Kilbirnie family, and then adds—" After I had examined the Session's book, I made active enquiry among the *most opulent and intelligent inhabitants* relative to the reputation of the country, as far as it regarded the Honourable James Crawford ; and was pleased to find, that the tradition of the neighbourhood of Kilbirnie, Paisley, and Glasgow was, that the Honourable James Crawford had *been appointed when very young*, through the powerful interest of his family, surveyor of the customs of Irvine ; and having thus unfortunately acquired the means of gratifying his passions before he knew how to curb them, led rather a dissipated life, which involved him not unfrequently in quarrels, in one of which, he *unluckily and unfairly killed a young man of rank, having fired before the signal was given.* Distracted at the commission of the fatal act, which was at that time punished *with death and confiscation in Scotland*, no matter how or on what account the duel originated, he had no alternative but to fly, or surrender to the executioner. He fled first to Irvine, *where, it is said, he seized what public money he could lay his hands on*, and then hastened to Dublin. There he made himself known to Colonel Joshua Dawson, the father of Arthur Dawson, one of the Barons of his Majesty's Court of Exchequer in Ireland, and with whom Mr Crawford's father and elder brother were intimately acquainted. Colonel Dawson, being apprized of the danger of his situation, willingly received him into his house ; and, for his *better safety*, immediately carried him to his country residence at Castle Dawson, in the county of Londonderry, where he appointed him his factor, *the better to conceal his rank* and

Mr Bell's
Case, pp. 12
and 13.

Ibid. p. 26.

quality, and there he remained until his decease in 1765." Mr Bell then alludes to the testimonies of Christian Orr and others ; but they are more fully given in the case next to be noticed, and will be afterwards quoted. They are not only referred to, but believed in, by Mr Bell.

Case published in 1824.

The next printed Case for the claimant, was that published in London in September 1824, after the investigation of Messrs Buckton and Bowie had been completed, and after they had made their report to the gentlemen who interested themselves in support of the claimant's cause. This Case displayed great ability ; but talent was never so ill employed, as will be shown in the sequel. The writer of this Case, after a general introduction and history of the Crawford family, comes down to the Honourable James Crawford, who was born at Kilbirnie on the 15th March, 1700, and then says,

Ibid. p. 8.

" At a very early age we find him entering into active life. Unfortunately for him, he was early enabled to gratify passions over which he seems to have had but little control. It appears that he became attached during this *period to Lady Susan Kennedy, afterwards Countess of Eglinton*. This attachment involved him in a contest with a *young man of high rank*, and the result was a duel. James Crawford is stated to have acted precipitately in the duel, and to have killed his antagonist unfairly. Distracted at the commission of this unwarrantable act, which, at the period in question, was a capital crime, James Crawford fled, and secreted himself. A strict search was made after him, and on one occasion it was nearly successful. *Once, and once only, he ventured to come over to Ugdale*, the then residence of his sister, Lady Margaret M'Neil. The fact having been by some unknown means disclosed, a party of soldiers came over to the house, and *a most rigorous, though unavailing, scrutiny* of the place was the result. Alarmed at this, and at the fatal consequences in which a capture would have involved him, he fled to Dublin, and introduced himself to Colonel Joshua Dawson, the father of Arthur Dawson, one of the Barons of his Majesty's Court of Exchequer in Ireland, and with whom the Honourable James Crawford's father and elder brother were intimately acquainted. *Apprized of his danger*, Colonel Dawson carried his guest

over to Castle Dawson, gave him a farm called Broagh, and appointed him his factor. We will now proceed to support this statement by a series of depositions, after which we shall resume his history in Ireland. Deposition of Mrs Urie, sworn at Ayr in 1810, states, ‘that whilst in the service of Mrs Kerr, she heard that lady, whilst conversing about Sir Andrew Cathcart’s claim, say, “it would be a very troublesome affair if neither Lord George, nor his brother, the Honourable Robert Hamilton Lindsay, had issue, as some of the family in Ireland would come over and drop into the title;” and she added that James Crawford, uncle to George, the Earl of Crawford, had fallen in *love with Lady Susan Kennedy, afterwards Countess of Eglinton*, and *that he had fought on her account*, but not having waited for the signal, was adjudged to have killed his antagonist unfairly, and was in consequence obliged to fly the country.’ Deposition of Mrs Ann Barclay, sworn at Ayr in 1812, states, ‘that she *recollects the report of the duel of the Honourable James Crawford*, and that it was believed he had fled to some part of Ireland for protection.’ Deposition of Mrs Jane Allan, sworn at Paisley, 1812, states, ‘that she well remembers to have heard her father, William Allan, say, that none of Lord John’s sons were married but Lord Patrick and Mr James. That Mr James had to flee to Ireland *for killing a man*. That she has often heard that he married there, and that she recollects to have heard *old people say that it was the Countess of Eglinton whom Mr James fought the duel about*. That he dared not reside in Scotland after; but that he often came over for a short time to Kilbirnie.’ The deposition of Agnes Gibson of Kilbirnie is given in an abridged form, which it is not necessary here to repeat. Declaration of Christian Orr. ‘Declares that she has Ibid. p. 9. heard her grandmother often tell, that when she’ (that is to say, her grandmother) ‘was living at Ugdale with Lady Margaret, who was a sister of the Honourable James Crawford, *she was called into her room one morning, and that she found her in a state of seemingly great agitation*. That as soon as she entered the room, Lady Margaret exclaimed, “Oh! Mary, my brother James is gone!” She enquired what was the matter with him. Lady Margaret *said, that on getting out of bed she observed a letter, with a black seal, lying on the table,*

and addressed to her. One part of its contents were: "Before you read this, perhaps I may be no more, for that he was going to fight a duel with such a gentleman, and in such a place." That Lady Margaret was extremely concerned, and immediately dispatched her off to a certain place to try and get information as to the result. She shortly after returned to Lady Margaret with the unpleasant information, that the duel was fought, and the gentleman with whom he fought was killed; but the contest being unfair, Mr James fled. That some time afterwards Mr James came back to Lady Margaret's privately, and an Irish gentleman with him, who it was thought had at first whispered something of Mr James being come, and a surmising and strong suspicion soon flew abroad, and very shortly a party of soldiers came to the place, and searched for him through the whole house and premises; and some of them even stabbed with their swords in the fruit-bing in the garden, and some other places, but he escaped, and, poor man, had to fly his country through that circumstanceal.'"

Ibid. p. 12. After giving these evidences, and abstracts of the evidences of Irish witnesses, the writer of this Case says, "We shall now take it for granted that we have proved, first, that there was such a person as the Honourable James Crawford, third son of John, Viscount Garnock; and, second, that, in consequence of having fought a duel near Kilbirnie, and of having killed his antagonist unfairly, he fled to Colonel Dawson at Dublin, by whom he was settled at Broagh, near Castle Dawson, and remained there as his land-steward, in which situation he was known to 'a cloud of witnesses;' and that in such situation his birth and parentage were well ascertained from conversations had with him personally, and by tradition, independent of his personal assertions."

Crawford
Peerage,
published
in 1829.

We now come to "The Crawford Peerage," published in 1829, which contains a repetition of the former publications, and in which the claimant had an opportunity of amending his statements, and of explaining any part of the case which might appear obscure or contradictory. We, however, find all the statements adhered to, and all the evidence re-quoted in their support. At p. 226, after the evidence has all been quoted relative to the part of the history

of the Honourable James Crawford now under consideration, the author says, "Let it be understood that the meaning and substance of the foresaid deposition is merely this. Our readers will be aware that it has been always traditionally maintained, that the reason of Mr James Crawford's having emigrated to Ireland at so early a period as what he did, was on account of his having fought a duel, arising from a love affair, respecting a lady, who was said to be Lady Susannah Kennedy, daughter of the Earl of Cassilis, and who was, in lapse of time, married to Alexander, the ninth Earl of Eglinton, who became his third wife. Mr Crawford never *intended that circumstance as a part of the proof to substantiate his title*, not possessing, at any time, what he deemed a direct witness of the fact; but as Lady Mary, and some other snarling individuals belonging to her party, seemed to handle and make a kind of quirk upon that presumption, we will therefore state that lady's birth and death, with that of the Honourable James Crawford, and afterwards leave the reader to form his own judgment :

The Honourable James Crawford was born in March	1700
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Lady Susannah Kennedy was born in	1686
-----------------------------------	------

The age of her ladyship when James was born	14"
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The statement is otherwise fully adhered to, that the Honourable James Crawford fled to Ireland for killing a person of distinction in a duel, arising from a love affair, and that he lived in Ireland in obscurity for a considerable period. On the truth of this statement, *his whole case depends, for to the verity of this statement, his witnesses swear in direct and positive terms*. Some of them, no doubt, give the narrative from hearsay, but others of them swear directly to *hearing James Crawford himself say, he came from Ireland from his wife and family, and that he was soon to return to them there*; while Agnes Gibson swears she heard letters read from him, dated at Castle Dawson, and that she herself wrote one, addressed to him at that place. We now proceed to answer this part of the case.

ANSWER TO THE CLAIMANT'S ACCOUNT OF THE HONOURABLE
JAMES CRAWFURD.

IN the preceding pages, we have very fully stated the early history of the Honourable James Crawford, as given by the claimant, that we might not be thought averse to give him the benefit of the evidence which he has brought forward to support it ; and we now make answer, *that the whole statement is totally and absolutely false.*

It is false that the Honourable James Crawford fell in love with Miss Kennedy—it is false that he quarrelled with a rival for that lady's love—it is false that he shot a man in a duel—and false that he fled to Ireland, either recently before or after 1720.

The Honourable James Crawford was born at Kilbirnie on 15th March, 1700. This is admitted by the claimant, and indeed proved, by his producing the certificate of his birth. The claimant states that Miss Kennedy was born in 1686. She was thus fourteen years older than her daring and adventurous lover ; but as woman's love is capricious, it might so happen that Miss Kennedy was disposed to listen to the ardour of a suitor younger by fourteen years than herself, though this is not likely, unless we are allowed to assume, what facts do not warrant, that lovers were then very rare. But what must the reader think when he is informed that Miss Kennedy was married to Alexander, Earl of Eglinton, in 1709 ! This is proved by a certificate of the marriage, after inserted, and is matter of public and authentic history. Thus, the Honourable James Crawford must have been uncommonly precocious in his gallantry, for he must have shot his rival for this “ lady fair,” before he was nine years old ! This is the circumstance asserted as grave truth by the claimant and his legal friends ; and sworn to by the “ cloud of witnesses,” whose depositions have been quoted with so much gravity and skill. It is curious to trace the many sources out of which the truth of this answer can be established.

1st, The certificate of the marriage, which is in the following terms : “ The Right Honourable Alexander, Earl of Eglinton, and Mrs *Susan Kennedy*, daughter to Sir Archibald Kennedy of Culzean, were proclaimed three several Lord’s days, viz. the 5th, 12th, and 19th of June, 1709. Extracted from the records of proclamations for marriage, and marriages, of the parish of Kilwinning, this teuth day of March, eighteen hundred and thirty years, by (signed) N. SMALL, Sess. Clk.” Proofs of
this answer.

2d, The narrative in Crawford’s *Peerage of Scotland*. This work was published in 1716. At that date, Alexander, Earl of Eglinton, was alive ; and with him, the author’s account of the noble family of Eglinton concludes. The author states that his Lordship married, as his third wife, “ Susanna, daughter of Sir Archibald Kennedy of Culzean,” by whom he has “ *two daughters, Lady Elizabeth and Lady Helen.*” Now, in 1716, instead of being the subject of lovers’ quarrels, this lady was Countess of Eglinton, and the mother of two daughters, three years before a duel was so fatally fought by the Honourable and unfortunate James Crawford, with a rival for her maiden charms ! This lady remained long the ornament of the society in which she moved. She became the mother of ten children, and lived to the great age of 94, having died so late as 1780.

3d, The truth of the statement now given, may be proved from the dedication of “ The Gentle Shepherd” of Allan Ramsay. This beautiful pastoral was published in 1725. It was dedicated to “ Susanua, Countess of Eglinton ;” and though due allowance must be made for the author when approaching a patroness among the nobility, Ramsay does not seem to have exceeded the bounds of propriety, in the high encomiums he there bestows on her ladyship. Not content with a prose dedication from his own pen, the muse of his amiable friend, William Hamilton of Bangour, sang the praises of the noble patroness, in strains of a more pleasing kind ; and he delicately alludes to *her rising family*, at a time when, according to the cases under consideration, and the testimony of a “ cloud of witnesses,” she was the cause of a bloody quarrel between two headstrong youths, who were struggling for her maiden affections. The poet thus commences :—

“ Accept, O Eglinton ! the rural lays,
That, bound to thee, thy poet humbly pays.
The Muse, that oft has raised her tuneful strains,
A frequent guest on Scotia’s blissful plains.

* * * *

“ With words like these, that fail’d not to engage,
Love courted beauty in a golden age.

* * * *

“ He speaks his love so artless and sincere,
As thy Eliza might be pleased to hear.

* * * *

“ In virtues rich, in goodness unconfined,
Thou shin’st a fair example to thy kind.

* * * *

“ *Supremely blest* by Heaven, Heaven’s richest grace,
Confess’d is thine—*an early blooming race.*

* * * *

“ After thy image form’d, with charms like thine,
Or in the visit, or the dance, to shine ;
Thrice happy ! *who succeed their mother’s praise,*
The lovely Eglintons of other days.”

Here, while we have the muse of Hamilton singing the praises of the mother and her daughters, we have Agnes Gibson and Christian Orr swearing that this lady was the ungained object of two young men’s love ; and the cause of the Honourable James Crawford’s disgrace, flight, and concealment in Ireland.

But it may be said, that it is of little consequence to the claimant’s cause, whether the lady for whom the duel was fought, was Miss Kennedy, or some one else, whose name is unknown. In one sense this is true. It may be of no consequence, indeed, whether Mr Crawford fled to Ireland for love or murder, if he went to Ireland at all, and did marry and settle there. It becomes of great consequence, however, when it is sworn to as part of the claimant’s case ; it then forms part of his proof, and on the verity of it depends the credibility of his witnesses. They have sworn to its being a general report and belief, that the duel was fought for *Lady Susan Kennedy, afterwards Countess of Eglinton* ; and they have conde-

scended on no other names, and no other story. It must therefore be either true or false. If the witnesses have sworn falsely in this particular, which, as forming the origin of the claimant's case, is most essential to him, their credibility in other matters is shaken to the very foundation; for here, if ever, the maxim must hold, *falsum in uno, falsum in omnibus*. Thus, when we have Agnes Gibson swearing that the "third brother's name was James, who, it consists with her perfect knowledge, went to Ireland, where he married, and had a family; that the cause of his going, as reported in that part of the country, was, that he had killed a person of quality in a duel, arising from a love affair with a lady," which is altogether false; can we believe her when she says she heard letters read from him, dated at Castle Dawson, and that she "saw a daughter of Mr James Crawford, who came from Ireland, and was received by the ladies and family?" It is impossible! No man in his sound senses can listen to her story. Again, when we have Christian Orr detailing the scene of distress in Lady Margaret's bedroom at Ugdale, and the black seal on the letter written by Mr James Crawford before his fatal meeting with the "gentleman," can we possibly believe that other part of her story, which says, that some time afterwards, Mr James came back to Lady Margaret's, privately, and "an Irish gentleman with him, who, it was thought, had at first whispered something of Mr James being come; and a surmising and a strong suspicion soon flew abroad, and very shortly a party of soldiers came to the place, and searched for him through the whole house and premises, and some of them even stabbed, with their swords, in the fruit-bing in the garden, and some other places, but that he escaped, and, poor man, had to fly his country through that circumstance?" Or, when we have Mrs Agnes Urie made to swear that she was told that Mr James Crawford had fallen in love with Lady Susan Kennedy, and that he had fought on her account; but not having waited for the signal, was adjudged to have killed his antagonist unfairly, and was in consequence obliged to flee the country; which story we have shown to be absolute nonsense, unless Mr James Crawford fell in love, and killed a man before he was nine years of age; can we believe her when she says she heard that some one of the family

in Ireland would come over and drop into the title, failing Lord George and his brother, the Honourable Robert Hamilton Lindsay? In like manner, when we hear Mary Quigly swearing she repeatedly heard, and verily believes, that “the said James Crawford of Broagh was a native of Kilbirnie in Ayrshire, Scotland, and was brother to Lord Garnock of Kilbirnie aforesaid, and that he, the said James Crawford, was obliged *to leave Scotland in consequence of having killed a gentleman in a duel* ;” can we believe her when she swears, that she remembers Margaret Crawford, the daughter of James, going to Scotland, “to see her relations at Kilbirnie ;” and of her mother’s reading letters from Kilbirnie, and weeping in great sorrow at her daughter’s remaining so long from her? It is impossible ; unless we give uncontrolled sway to that principle in our nature, which has been called by a celebrated philosopher, “an original instinctive unaccountable propensity to believe.”

Observations on the duel.

Here it is proper to make an observation upon this duel, which has hitherto been overlooked by all those learned persons who have been engaged in conducting the claimant’s case. James Crawford is said to have killed a person of quality unfairly, by firing before the signal was given ; or, in other words, was guilty of no less a crime than murder. It is stated in Mr Bell’s Case, that the law of Scotland was at that time particularly severe against duelling, the punishment being death and confiscation ; yet, notwithstanding of this severity, and notwithstanding the quality of the person killed, Mr Crawford, the murderer, is allowed to go to Ireland, and to go from Dublin to Castle Dawson, and there peaceably to remain a factor or land-steward ; a situation, the duties of which required him to mingle daily with the peasantry, and to be open to observation and detection, and that, too, in the northern end of Ireland, where he could have been apprehended with the greatest ease. No one acquainted with the criminal jurisprudence of this country would venture to make a statement so precarious and feeble. The truth is, that the story of this duel is altogether a fabrication, and all the witnesses who have sworn to it, have sworn to what must have been purposely instilled into their minds, or they must have deliberately sworn to what they knew to be false. Is it to be believed that a gentleman of rank in England, while on a

visit in Scotland, should be killed in an unfair duel, and that the murderer should be allowed to go to the north of Ireland, marry, and settle there, without being searched for, and brought to punishment? If the person killed had been the poorest peasant on the estate of Kilbirnie, there would have been no such impunity to the murderer; while, with a gentleman of rank, there would have been the united voices of his kindred, calling for enquiry and for justice. Besides, it appears that Baron Dawson acted a most unfriendly part to his unfortunate *protégé*; he finds him in Dublin, and by way of secreting him, he takes him from that city, in which he might have remained concealed, or from which he might have found the ready means of escape, and places him *openly on the estate of Castle Dawson*, about twelve miles from Belfast, between which port and that of Irvine, near which the duel is said to have taken place, there was constant communication. The story is really so badly contrived, that it falls to pieces on a very slight examination; yet to this story have so many old infirm people been made to give the sanction of their solemn oaths! Those who had the best means of hearing and knowing the history of the family of Kilbirnie, never heard of such a duel, though it must have been well known and long remembered. Duels and murders are, happily, rare occurrences in Scotland; and accordingly, when they do occur, they make a deep and lasting impression on the people. Who has lived in Ayrshire, and has not learned from hearsay, the particulars of the lamented death of Alexander, Earl of Eglinton, at the hands of Mungo Campbell, or of that more recent event, which terminated the life of the late Sir Alexander Boswell? It is not necessary to go to the near relatives of the unfortunate sufferers to learn the history of these events, for they are soon known to all. Yet this pretended duel of the Honourable James Crawford, which is said to have been marked with unfairness on his part, was never heard of by any person within the county of Ayr, until it was circulated as part of the claimant's story. The relations of the family of Kilbirnie first learned it from the claimant's story, as the reader will find in the sequel, when he peruses the depositions of Lady Cunningham Fairly, and Mrs Hamilton of Pinmore.

Before leaving this part of the case, we must beg the reader's at-

Statement
of the claim-

ant as to
the inter-
course of
James and
his family
with the
family at
Kilbirnie.

tention to another part of the claimant's story, which is also confidently insisted on by him, and deliberately sworn to by his witnesses. We allude to the intercourse alleged to have been kept up by James Crawford and his family, while living at Castle Dawson, with the family at Kilbirnie; and in particular as to the visits of Hugh, his second son, who, *as is sworn to by the witnesses, came over on a visit to his noble relatives*. These visits, it is said, were at first coolly received, but afterwards became more agreeable, and ended in the family of Kilbirnie bestowing on him several gifts of friendship.

Sketch,
p. 4.

The claimant, in his Sketch, says,—“through various misfortunes and vicissitudes of life, the descendants of this (the Honourable) James Crawford, fell into low circumstances of life; but always maintained, in a certain degree, the dignity of their genealogy. His second son, Hugh, and his daughter, Margaret, paid a visit to some of the family of Crawford, in Scotland, by whom they were kindly received, as will appear from the proof. Hugh paid a second visit to Scotland, in 1745, and shortly after returned to Ireland again; and never returned after, but died in the year 1764.”

Sketch,
p. 48.

In corroboration of this statement, the claimant gives the depositions of several persons. In particular, Agnes Twig, on the 19th of May, 1812, depones, “that she knew the above-named Hugh Crawford going twice to Kilbirnie, in Ayrshire, Scotland, and to bring from thence money, and also several valuable presents from his friends there; and was determined to go there again, but was prevented by dying suddenly.”

Mr Bell's
Case, p. 11.

In Mr Bell's Case, there was no lack of evidence on this particular. Mary Quigly depones, as we have before seen, “that she recollects that the said Hugh Crawford often *went to Kilbirnie, in Scotland, to see his relations there; and this deponent swears she recollects that the said Hugh Crawford informed this deponent's father, in her presence and hearing, on one occasion, after his return from Kilbirnie, in Scotland, that his, the said Hugh Crawford's, relation, the gentleman of Kilbirnie Castle, said to him, the said Hugh Crawford, ‘I don't wish your pocket to want money or to be empty; but I desire you will not drink it with my servants, or in keeping low mean company,’ or words to this effect, as deponent best recollects;*

and the said Hugh Crawford lamented or deplored his folly for not remaining at Kilbirnie, and taking the good advice he had received."

Mary M'Crakin swears, " she personally knew, and was acquainted with, Hugh Crawford, the eldest surviving son of the said James Crawford, who attained the age of manhood ; and recollects that he went to Scotland, and remembers when he returned ; and that this deponent's mother, *who had been in Scotland, returned in the same ship with the said Hugh Crawford* from Scotland ; and this deponent swears *she has heard her mother* say, and verily believes, that the said Hugh Crawford was at the residence of his uncle, Lord Garnock of Kilbirnie ; and that the said Hugh Crawford told this deponent's brother, that his uncle *had sent money by him to his father, James Crawford, and had given himself both money and clothes.* And this deponent swears, she well remembers the wife of the said Hugh Crawford, whose maiden name was Margaret Peden, and remembers all his children. And this deponent further swears, she well remembers the said Hugh Crawford was very fond of spirituous liquors, and died suddenly, as this deponent has heard, and verily believes, from the effects of a fall occasioned by excessive drinking ; and this deponent further swears, that she recollects that the said Hugh Crawford went frequently to Scotland, *and swears she heard he always went there when he wanted money.*"

Mr Bell's
Case, p. 12.

Thomas M'Murray, of Castle Dawson, swears, " that he has heard, and verily believes, *that Hugh Crawford*, the eldest son of the said James Crawford, *went to Kilbirnie, in Scotland*, to see his friends there ; and this deponent has heard, that on one occasion, when the said Hugh Crawford went to Kilbirnie, the Lord, his relation, was from home ; and that he, the said Hugh Crawford, being in poor circumstances, the lady refused to admit him into her house. That the said Hugh Crawford *in consequence retired to the house of one of the tenants*, and waited there until the Lord's return, whose title this deponent does not now recollect. That after his Lordship's arrival, the said Hugh Crawford called on him at his house ; and was kindly received ; and that afterwards, his Lordship's wife, who refused to admit the said Hugh Crawford, became kind to him ;

Ibid. p. 15.

and on being informed that he, the said Hugh Crawford, had six children, and was likely to have a further increase to his family, the lady, whose name this deponent cannot now remember, gave him, the said Hugh Crawford, among other property, *seven silver bells and corals for his children*. And this deponent was informed that the said Hugh Crawford sold the said bells and corals on his return to Castle Dawson from Scotland, for from three half guineas to two guineas and a half each, all but one, which was kept for the youngest child."

In the case of 1824, the same assertion as to the visits of Hugh Crawford to Kilbirnie is made, and supported by extracts from the oaths of the witnesses, which we have now given.

In the "Crawford Peerage," the same assertions are repeated, and the same evidence given in support of it; and it is said that a number of other witnesses offered to swear to similar facts, but Mr Bell declined any more evidences, observing, that accumulating further proofs "would only go to infringe on the time and patience of the Lords' Committee of Privileges."

It is thus an essential part of the claimant's case, that Hugh Crawford, second son of the Honourable James, who was married to Margaret Peden, and by her had a numerous family, was in the habit of going from Ireland to Kilbirnie, and visiting his relations there. These facts are sworn to by many witnesses with considerable variety in the detail of circumstances.

Answer to
this state-
ment.

Now, we must here attend a little to dates. The claimant appears to be somewhat puzzled about the precise date of James Crawford's alleged flight to Ireland. In his own Sketch, he says nothing at all on the subject. In the Pedigree of the claimant, affixed to Mr Bell's Case, it is stated thus:—"Honourable James Crawford, settled at Castle Dawson, in Ireland, afterwards at Broagh, born, 15th March, 1700; died at Anaghmore, near Castle Dawson, about 1765; was land-steward to Colonel Dawson, who brought him from Dublin with him; buried at Castle Dawson." His wife was "Mary, daughter of —— Jamieson, Esq. married in 1723, was niece to Major Ash, of Castle Dawson, buried there." Their second son was Hugh Crawford, Esq.; "visited his friends in Kilbirnie, in

Scotland ; died about the year 1765, was buried at Castle Dawson ; his wife was ‘ Margaret, daughter of Andrew Peden, Esq. ; buried, in 1739, at Castle Dawson.’ ”

In the Case of 1824, it is said, “ In the year 1723,” (corrected in the errata to 1720,) “ and soon after he settled at Broagh, we find that the Honourable James Crawford married Mary Jamieson, daughter of a very respectable gentleman of that name, and the niece of a Major Ash of Castle Dawson.” At page 19 it is said, “ we assume, therefore, that we have indisputably proved in addition, that the Honourable James Crawford settled at Broagh, in Castle Dawson, in Ireland ; married about the year 1720 ; had a family there, whom he supported by his situation as land-steward of the Dawson family, and by remittances from Scotland.” In the pedigree affixed to this Case, which has undergone considerable revision, it is stated that “ the Honourable James Crawford settled at Castle Dawson, and married there, 1720 ; and died at Anaghmore near that place, 1765.” It is also stated, “ that Hugh Crawford, his second son, died about 1765 ; and that his wife Margaret, daughter of Hugh Peden, died 1739.” Second Case, p. 13.

In the “ Crawford Peerage” this last statement is adhered to ; for, in the pedigree, page 60, the same dates of the marriage and death of the Honourable James Crawford ; the death of Hugh, and the *death of Margaret Peden*, his wife, are given as in the pedigree of the Case of 1824.

In one of the letters founded on by the claimant as a genuine letter from the Honourable James Crawford to Robert Glasgow, surgeon, at Kilbirnie, dated Castle Dawson, 11th November, 1721, there is the following expression :—“ If my sister Margaret is returned to Kilbirnie, please give my love to her, and let her know *that my wife has another son, and is quite recovered* ; that any thing she may have to send, may with safety be intrusted with the bearer, my servant, who I can confide in.”

From all these statements, we must conclude, that James Crawford married early in 1720, and had his first son, Andrew, that year ; and that by the 11th November, in the year following, his wife brought him “ another son,” who must have been this

Mr Bell's
Case, p. 16.

celebrated person, Hugh. Now, it is stated that Hugh married Margaret Peden, and by her *had ten children*. Their names are given as James, Andrew, Robert, John, Jane, Mary, Abigel, Ann, Margaret, and Susannah. It is stated repeatedly, that Margaret Peden, the wife of Hugh, died in 1739. Mrs Margaret Peden, in the ordinary course of nature, must have been eight years and four months in bringing these children into the world ; and as it is repeatedly stated that she died in 1739, it is evident that her first child must have been born in 1730, at which period her husband, Hugh, *could not possibly be more than nine years of age !* It has been said by philosophers, who are curious in such matters, that the father can transmit to his children not only the qualities of the body, but of the mind. This case forms a striking illustration of the doctrine. The Honourable James Crawford at the early age of nine years falls in love with Miss Susan Kennedy, a lady of twenty-three, and kills a gentleman of high rank, who dared to dispute with him for that lady's affections. This was an unusually early display of manhood ; but it is nothing at all to compare to the precocity which appears in the history of his second son, Hugh, who by his wife, Margaret Peden, has a child, while he himself is of the tender age of nine years ! Can so absurd and incredible a fable be listened to for a moment ?

The claimant's charge against the Honourable James Crawford for robbing the Custom-house at Irvine.

The reader has seen that the affair of the duel is latterly mixed up with that of the Custom-house at Irvine ; and it is now held to have been the conjoined offence of robbing the Custom-house and killing "the gentleman" that forced the Honourable James Crawford to expatriate himself, and seek an asylum in Ireland. It is maintained unequivocally that this took place while Mr Crawford was very young, by which it is meant that both crimes were committed by him prior to his settling at Castle Dawson and marrying Miss Mary Jamieson. The reader must be satisfied of this. If he be not, he is referred to the quotations already so unsparingly made from the claimant's publications. If these are not sufficient, then he is referred to the Crawford Peerage *passim*.

The correct history of James Crawford's connexion

We now proceed to show the absolute falsehood of this part of the Claimant's story, by detailing the history of James Crawford's connexion with the Custom-house in Irvine, as proved by the Cus-

tom-house books in Edinburgh and Irvine, and by the letters of several members of the noble family of Kilbirnie.

with the
Custom-
house at
Irvine.

Here it is necessary shortly to premise, that the fact of the Honourable James Crawford's holding a situation in the Custom-house at Irvine, is manifestly inconsistent with the story of his being obliged to abscond on account of a murder committed in 1718-19, unless he held the situation in the Customs while he was a minor. Accordingly, the claimant was at first averse to admit that the person who held the situation in the Custom-house at Irvine was his ancestor. He said it was a person of the same name from Ayr, who was in that situation, and spurned at the idea of its being the Honourable James Crawford. It was only after the truth of this part of his history could not possibly be denied, that the claimant reluctantly admitted that this person might be the Honourable James Crawford.

In the "Sketch," there is no notice of this; and in Mr Bell's Case, as formerly quoted, he says, "that he was pleased to find that the Honourable James Crawford had been appointed, when very young, through the powerful interest of his family, Surveyor of the customs of Irvine; and having thus unfortunately acquired the means of gratifying his passions, before he knew how to curb them, led rather a dissipated life, which involved him not unfrequently in quarrels, in one of which he unluckily and unfairly killed a young man of rank, having fired before the signal was given. Distracted at the commission of the fatal act, which was at that time punished with death and confiscation in Scotland, no matter how or on what account the duel originated, he had no alternative but to fly, or to surrender to the executioner. He fled first to Irvine, where, it is said, *he seized what public money he could lay his hands on, and then hastened to Dublin.*" This statement is repeated at page 28, where Mr Bell says, when talking of the charge given by Patrick Boyle, of Shewalton, to George, Viscount of Garnock, to enter heir to his uncles John and James, "that Patrick Boyle thought James Crawford was dead at the period he made this application; and it was very natural he should think so, as his family encouraged that belief,

in consequence of the crime he committed in plundering the customs of Irvine, and killing his opponent unfairly."

Second
Case, p. 20.

In the Case of 1824, the fact of James Crawford's having been in the customs at all is not once alluded to. On the contrary, it is plainly to be inferred, that the writer of that Case wishes to deny that the person who held the situation in the customs at Irvine was the Honourable James Crawford; for he says, 'more than this, let it be borne in mind, that the endeavour to identify our *ancestors with other persons bearing the name of James Crawford, is a stale juggle unworthy of the acuteness of our opponents.* To a strange pass must their case be brought when it requires such auxiliary aids.' It is to be noticed also, that in this Case, James Crawford is only charged with the *crime of murder*; the robbing of the customs is never mentioned.

"Crawford
Peerage," p.
234.

In the "Crawford Peerage," in which the claimant had an opportunity of amending his case, and taking advantage of the discoveries which had been made, with respect to the appointment, and the dismissal of James Crawford from his situation in the Custom-house at Irvine, the following is the new edition of this part of the story: "After the transaction of Kilbirnie had grown out of date, and the anxious search for him had become silent, James Crawford was then moved over to his friends in Kilbirnie, and was there recognised by several individuals who frequented the family pew in the church of Kilbirnie; and familiarly conversed with several persons of the village whom he knew, about his friends and family in Ireland. It was at this period that his aunt, Lady Bute, showed forth a friendship to him, and gave a striking proof of the high interest of that noble family, and the great favours which the consequence and respectability of that illustrious connexion was then fit to command; for the affair of James Crawford having subsided, whatever it may have been, that Lady, through her influence and interference, obtained a situation for him in the customs of Irvine, about the year 1729-30, in consequence of which he, of course, was to have brought over his family to Irvine, as soon as it might be considered convenient. At this early period of his life, we don't discover that he had been much employed in the service of Colonel Dawson of Castle Dawson, and

in consequence, this new change of affairs through Lady Bute, his aunt, was no doubt very acceptable. About the period already stated, he entered on his revenue charge, but, unhappily for himself and family, *this promotion, from nothing to something comfortable* did not long continue, according to the records of the books in the custom-house of Irvine ; for unhappily *having formed some acquaintance with certain individuals who had been for years in the habit of smuggling betwixt Larne and Irvine*, unfortunately he joined them in their unlawful trade, and not only so, but was tempted, after being found out in this unlawful *business, to rob the custom-house of a very considerable amount*, and immediately after made the best of his way back to Ireland again, and secreted himself, for some time, in that once rude but hospitable country. This disagreeable circumstance *happened a few months after entering upon his custom-house business*, as *appears by the books*, which record the whole transaction, even from his petition being presented, until his midnight elopement, as already explained."

Such is the substance of the various statements made by the Claimant on this important part of the Honourable James Crawford's history, but how it will stand the test of truth, is now to be tried.

It may be remarked in the outset, that although the Irish witnesses have been sufficiently minute in detailing incidents in the life of James Crawford, and his son Hugh, and have given the *ipsissima verba* of many of their conversations, not one of them has ventured to say that James Crawford was absent from Castle Dawson so long at one time, as to enable him to discharge the duties of a public office at Irvine for any length of time ; and it has been seen that the claimant himself, in his last publication, expressly states, that his aunt, Lady Bute, procured him the situation in the customs at Irvine about the year 1729-30, and that "the disagreeable circumstance of his being obliged to make the best of his way back to Ireland, happened a few months after entering upon his custom-house business, as appears by the books." The Claimant's last statement is, however, totally destructive of those made by Mr Bell, and sworn to by the witnesses. *For Mr Bell makes both crimes to have happened at one and the same time.* The witnesses swear to the duel

as the sole cause of the flight to Ireland. Both stories are equally false, as will now be shown.

It appears that John, first Viscount of Garnock, had contracted much debt; and that he was able to make for his family but very slender provisions. The patrimony of John and James, his second and third sons, was only 6000 merks Scots each, being L.333, 6s. 8d. Sterling, and the patrimony of the other children was in proportion. The whole were secured by a bond of provision, dated 23d September, 1708. The grantor died in the end of that year. After his sons grew up, it became necessary to put them all into business without delay. John was bred a lawyer, James was bred to no particular profession. David was a physician, and Charles entered the navy, and rose to the command of a frigate. At that period the offices in the Customs and Excise were filled by the younger sons of the nobility and gentry, and what would, at the present day, be considered a mean employment for the son of a small proprietor, was eagerly sought after by the younger sons of the aristocracy. One of the sons of the Laird of Blair was a land-waiter at Saltcoats for a considerable period, and the attention of the Kilbirnie family was directed to the custom-house at Irvine, as likely to afford employment for James Crawford. This family was not without powerful interest. Their mother was the only daughter of the first Earl of Bute, and her son, the second Earl of Bute, was married to Ann, sister of John, the great Duke of Argyle. John, the celebrated Earl of Crawford, was their first cousin, besides many collateral connexions of great distinction. It appears that the Countess of Bute had interested herself in favour of James Crawford; and she made application to have him appointed to the office of Surveyor of the customs at Irvine, which is not above ten miles from the family residence at Kilbirnie. James's education qualified him for such an office, and he was in use to audit the accounts of the factor on his brother's estates.

Proof of
Jas. Crawford
being in Edin-
burgh in
1727 and
1729.

Before his appointment to the Customs, it appears that James Crawford went to Edinburgh to visit his brothers John and David. The following letters, which have been preserved, will prove this beyond all manner of doubt.

Of this date, the Honourable David Crawford writes to his sister, the Honourable Mrs M'Neil of Ugidale, as follows:— 23d Sept.
1727.

“Your brother *James* came to town Thursday last week. *James and I* frequently wait on my Lady Bute, who did us the honour to introduce us to her brother, Lord Islay, to whom *James* made his brother *Garnock's* compliments, and presented him his proxy, and his Lordship, after the Court manner, said, he would do himself the honour to write to my brother. I heartily wish he may take care of him, and do *James* some favour. *James and I* were likewise waiting on the Duke of Montrose, who received us very kindly, and told us he had heard some time ago from brother *Charles*, and that he was then very well. *James* loves the town very much, being only taken up in visiting and viewing curiosities. We afford him opportunities of making no few observations. However, he resolves to make his stay very short, finding it not altogether so convenient for his purse to stay long here.”¹

He appears again to have visited Edinburgh in 1729, as the following letter from David Crawford to Mrs M'Neil will show:—

“Her Ladyship (*i. e.* mother) was in good health, as was your sister and brother *James*, who is not yet come to town, though by a letter I saw from him to Mr W. Boyle, he is to be here this week. His warrant for being surveyor is not yet come down, though expected every post; as there is no room to doubt that my Lord Islay has done his affair, after what *Charles* wrote to me in his last.” Edinburgh,
March 28,
1729.

And this appears still farther by the following letter from Mr David Crawford to Mrs M'Neil:—

“Your brother *James* has been in town since the first of this month. His warrant not being as yet come down, though expected every post; so that he begins already to weary of this place, notwithstanding of the unusual variety of pastime the town affords him, which is owing to his keeping an exact journal of his expenses. Forbearing such extraordinary expenses, he says he likes the town very much.” Edinburgh
April 26,
1729.

¹ The letters here quoted are in the possession of Colonel Campbell, one of the claimants of the titles of Crawford and Lindsay, to whom they were delivered by Mr M'Neil of Ugidale.

His ap-
pointment
as land-sur-
veyor at
Irvine.

The warrant from the Treasury in favour of Mr Crawford having been received by the Commissioners of Excise in Edinburgh, they appointed him to his office in July, by the following letter:—

“ GENTLEMEN,

“ Having, in pursuance of a warrant from the Right Honourable the Lords Commissioners of the Treasury, issued the enclosed deputation to James Crawford, to be land-surveyor at your port, in the room of Alexander Dallmahoy, whose deputation their Lordships thereby supersede, and direct to be made void; and he *being under security*, you are, after he has taken the oath of office, to admit him to his employment, giving him notice to qualify himself to the Government in three months, as the law directs; and in your next list of service, to certify the time of his admission. You are to transmit hither Mr Dallmahoy’s bond, in order to be cancelled. We are, &c.

(Signed)

“ H. HALL,

“ JAS. CAMPBELL,

“ P. DRUMMOND.

“ *Custom-house, Edinburgh, 14th July, 1729.*”

He is sus-
pended;

Mr Crawford took the oath of office on the 17th of the same month, and entered upon his duties immediately after. It appears from the following document, that next year he was suspended from this office, for the reasons therein stated:—

“ GENTLEMEN,

“ You are, upon receipt hereof, to suspend Mr James Crawford, *surveyor at your port*, and order him forthwith to repair hither, and give us an account of his conduct with respect to *his seizing a parcel of goods in your place, by the information of an Excise officer*. We are, &c.

(Signed)

“ P. DRUMMOND,

“ H. HALL,

“ G. VAUGHAN.

“ *Custom-house, Edinburgh, 29th September, 1730.*”

Mr Crawford having gone to Edinburgh, satisfied the Commissioners of Excise in the matter laid to his charge; and he was reinstated in his office, as appears from the following letter :— and restored.

“ GENTLEMEN,

“ Having had under consideration the case of Mr James Crawford, surveyor at your port, who stands suspended by our letter of the 29th September last; we direct you to restore him again to his office *without loss of salary*; acquainting him, that if he had used his endeavours to defend the Excise officers, by attending the Justice of Peace Court, that punishment would not have been inflicted upon him. We are, &c.

(Signed)

“ G. VAUGHAN,

“ JAS. CAMPBELL,

“ JNO. CAMPBELL.

“ *Custom-house, Edinburgh, 4th November, 1730.*”

Mr Crawford resumed his duties, and continued actively employed until September next year, when the following charge was preferred against him by the Commissioners :—

“ Charge against James Crawford, surveyor at the port of Irvine.

“ That by several informations and proofs laid before the Board, you were guilty, in the month of April last, of a fraud, in the exportation of tobacco on board the *Moses of Saltcoats*, George Auld master, for Drontheim, by suffering thirty-two of the forty hogsheads shipt on board the said ship as tobacco, to *contain only peats, stones, and such other trash*, whereby the revenue has been defrauded of a considerable sum. Charge of fraud made against him by the Commissioners.

“ The Commissioners, therefore, direct you to lay before them in writing, what you have to offer in your vindication, why they ought not to proceed to your dismissal.

(Signed)

“ BEAUM. HOTHAM.

“ *Custom-house, Edinburgh, 16th September, 1731.*”

To this charge of fraud and dereliction of duty, Mr Crawford

made the following answer, which is *dated at Edinburgh*, ther by showing that he was most anxious to exculpate himself, and redeem his character from the imputation this charge laid him under.

His answer.

“Answers by James Crawford, surveyor at the port of Irvine, to your Honours’ charge against me, dated the 16th September, 1731.

“The charge sets forth, that by several informations and proofs laid before your Honours, that I was guilty, in the month of April last, of a fraud, in the exportation of tobacco on board the *Moses of Saltcoats*, George Auld master, for Drontheim, by suffering thirty-two of the forty hogsheads shipt on board the said ship as tobacco, to contain only peats, stones, and such trash. I am sorry there should have been such a noise and rumour spread against me of a fraud which I am wholly ignorant of, and were I guilty, I should think myself unworthy of any office in the Revenue ; but as I am innocent, so I hope your Honours will examine the informations and proofs laid before you ; and I am persuaded they cannot but be found malicious and false, and contrived by persons who design to ruin my character, and deprive me of my bread, and have been these six months endeavouring secretly so to do ; and in my humble opinion, in all equity and justice, Mr Kennedy and I should have been present at the taking of the affidavits of our accusers, which, if we had been, we might object against them such things as would make their informations appear wholly false, (as I must say they are,) whether we can make that appear against them or not ; and I should think myself both a fool and a villain, to allow stones, peats, and such trash to be exported for tobacco ; since, by so doing, I was sure of losing my bread, as well as my reputation, which I esteem far more valuable to me ; and my friends, who were so active in getting me provided, would disown me, than which nothing could be more grievous to me.

“Mr Kennedy and I, in the execution of our office, did pick out eight hogsheads for proofs, six whereof we weighed, and examined, and the other two hogsheads were brought to the scale, though not weighed ; there being not enough of weights for that end, nearer than four miles ; and we advised with the Collector’s clerk, who

thought the proofs taken sufficient; all this done in the public street, before a good many spectators, who could not but know if there was any such fraud as alleged; and after such trial of said hogsheads in the common and fair way, and finding the numbers to hold out, and the tobacco examined sufficient, we had no suspicion of the rest; and I think it almost impossible, but the tides-men, carters, and others, at Saltcoats present, would have discovered such a fraud if there had been any. Besides, it is certain, the master of the *Moses* and the crew were examined upon oath before the Provost of Irvine, and Bailie of Cunninghame; which master and crew declared that the forty hogsheads tobacco was carried to Norway and sold there, and returns of deals made for it, which were discharged at Saltcoats by the landwaiter and myself; so that I cannot see where could be any fraud committed; nor do I know of any, which I hope your Honours will be convinced of, as well as of my innocence; and beg your Honours will allow me to go about the execution of my office. My charge is herewith returned. I am your Honours' most obedient servant,

(Signed)

“ JAMES CRAWFURD.

“ *Edinburgh, 17th September, 1731.*”

The reader will probably agree with us in thinking that this was a very proper answer. It denies the fraud, and demands enquiry. It speaks the sentiments of a man of honour and of spirit; but it was not considered sufficient, for Mr Crawford was dismissed, as will appear from the following order:—

“ GENTLEMEN,

“ Having found cause to dismiss James Crawford, surveyor, and Alexander Kennedy, landwaiter at your port, you are to take up their deputations, and transmit them to us to be cancelled; and having also reason to believe that the Collector's clerk connived at, and was privy to, the shipping lately at Saltcoats, on board the *Moses*, a considerable quantity of peats and stones, on which a debenture has been obtained, instead of tobacco, to the great pre-

Mr Crawford is dismissed.

judice of the Revenue, he is therefore to be dismissed the service. We are, &c.

(Signed)

“ G. ROSSE,

“ H. WESTBY,

“ P. DRUMMOND,

“ *Custom-house, Edinburgh, 28th September, 1731.*”

Here there is an invulnerable body of evidence, which is again completely destructive of the Claimant's whole cause, and subversive of the theory raised by him, with all its emendations and tergiversations. Mr Crawford, from July 1729, to September 1731, is actively employed in a public responsible office in Irvine, while the Claimant's witnesses make him living in obscurity in Ireland.

Evidence
of his Ser-
vices.

That during the time Mr Crawford was so occupied, he was a most active agent, appears from repeated entries of the following description in the Custom-house books.

“ Seized by James Crawford, surveyor of his Majesty's Customs at Irvine, for the King's use, near the quay of Irvine, four casks, fifty gallons and a half of brandy, for being smuggled, and run ashore contrary to law. (Signed) “ JAMES CRAWFURD.”

“ James Crawford maketh oath that the brandy above mentioned contains a just and true account of all seized by him, the said 1st December, without the least embezzlement or alteration whatever.

(Signed)

“ JAMES CRAWFURD.

“ Condemned by the Justices of the Peace. King's share remitted to the Receiver-General, 4th May, 1730.”

The truth of this statement will farther be manifest from the following certificates obtained from the Custom-house at Irvine, by Messrs Buckton and Bowie :—

“ We have compared the four foregoing copies of letters relative to the appointment, suspension, restoration, and final dismissal of James Crawford, surveyor of Customs at this port, taken from one of the letter-books in this office, and also the foregoing copy of a return of seizure, affidavit thereto, and date of condemnation thereof, before

the Justices of the Peace, taken from one of the seizure-books of this office also ; and we do hereby certify the same to be true copies ; and we do further certify, that it appears from the said seizure-book, that during the period the said James Crawford was surveyor at this port, there are fifteen other seizures recorded therein, and subscribed by him in a similar manner.

“ Given at the Custom-house this 8th January, 1824.

(Signed) “ A. F. GRAY, Compr.

“ S. M. FULLERTON, Collr.”

“ We do hereby certify, that we have examined the seizure-book, and letter-book, kept at this port, and from which it appears, that during the period James Crawford was surveyor of this port, viz. from July 1729, to September 1731, excepting between the 29th September, and 4th November, 1730, during which period he was suspended, he appears not only to have discharged the duties of his office in person, but to have been an active officer, making frequent seizures.

(Signed) “ A. F. GRAY, Compr.

“ S. M. FULLERTON, Collr.

“ *Irvine, 8th January, 1824.*”

In all this, where is there the slightest room for supposing James Crawford guilty of robbing the Custom-house of Irvine and absconding to Ireland? In the “Crawford Peerage,” it is said that he came over from Ireland, got a situation in the Custom-house, and in a few months robbed it, and fled back to his hiding-place. The story of the duel is not more false and absurd than that of this robbery. Will any person believe that a man in the situation of land-surveyor of the Customs at Irvine would have been allowed to go over to Castle Dawson, within a few miles of Belfast, and live there unmolested, while he was guilty of such an audacious crime? Yet this must necessarily have been the case if the story of the Claimant had any truth in it. But to pursue the history of the Honourable James Crawford.

After his dismissal from the Custom-house, Mr Crawford returned to Kilbirnie, where he continued to reside for some time, joining in

Proofs of
the history
of James

Crawfurd
after his
dismissal.

the society of his friends and relatives as formerly. We have seen that his dismissal took place in September 1731. One of the letters exhibited by Colonel Campbell, as found at Ugidale, was from the Countess of Bute to the Honourable Mrs M'Neil of Ugidale, her niece, and is of the following tenor:—

Letters
from Lady
Bute to
Mrs M'-
Neil, 1731.

“ *Edinburgh, 21st October, 1731.*

“ DEAR PEGGY,

“ This affair of your brother James has truly made me most uneasy ; but let him represent the affair how he will, he has justly lost his post.”

And to show that her Ladyship still continued to think of the matter, we now give another letter from her to Mrs M'Neil, dated 6th September, 1733 :—

1733.

Her Ladyship says, “ I regret *your brother James being out of business* ; but as I was an instrument to putting him in a post, and that his own imprudence put him out of it, I can say nothing to it ; *but regret it*. Possibly his cousin, Lord Bute, may be heard in his favour, though I can't hope to be.”

Letters from other members of the Kilbirnie family to Mrs M'Neil, have been preserved, in which mention is made of James Crawfurd, subsequent to his dismissal from the Customs. The following is given entire, as an amusing specimen of the scandal and gossip of last century. It is from the Honourable John Crawfurd to his sister, Mrs M'Neil, and concludes by noticing his brothers Garnock, James, and David. It is taken from a small volume of “ Private Letters,” printed in Edinburgh in 1829, but not published.

Letter from
the Hon.
John Craw-
furd, to his
sister, Mrs
M'Neil.

“ *Edinburgh, February 27, 1732*

“ DEAR PEGGIE,

“ The great leazoure Losset takes in travelling, affords me this further opportunitie of writing to you, to acquaint you of the death of the famous Colonel Charteris, whose character you know, regrated by none but the creditors of Merchistone, who are sufferers thereby, they having a dependant action to the extent of twelve thousand pounds sterling upon the head of usury, and their great evidence

being his oath, though a very uncertane one, death has cut them off; he has dyed exceedingly well, in an English sense, haveing left no less than fourteen thousand pounds Sterling yearly, and ordered his settlement as follows: Francis Charteris, Weems' second son, is his heir, by the title of Amisfield, to whom he gives ten thousand sterling, per annum; to each of Weems' other children, even supposing there were ten, though at present they are not so many, five thousand pounds sterling each; to the Earl of Wemyss himself as tocher with his daughter, ten thousand pounds; to his lady, seven hundred pounds sterling per annum, who is just a-dying with a cancer in her breast; to his daughter, twelve hundred pounds sterling yearly, independent of his lordship; to my Lord Advocate he has given a thousand pounds of legacy, and the liferent of his house and yards of Stonyhill, worth an hundred pounds yearly; to Lord Milton, one thousand pounds; to Sir Francis Kinloch's daughter, five hundred pounds; to his Grace the Duke of Argyle, a pair of fine pistols; to Sir Robert Walpole, his stable of horses; Baron Derimple gets free of an hundred pounds per annum he paid him, having received a thousand from him sometime agoe for that account; as also, an thousand pounds more as the longest liver of the two, this being pactioned betwixt them, so that you see he has made strong friendship with the mammon of unrighteousness in one sense. Upon deathbed he was exceedingly anxious to know if there was any such thing as hell, and said, were he assured there were no such place, being easie as to heaven, he would give thirty thousand; so that we see the vanity of all worldly enjoyments at a dying hour. He left eight ordinary managers to his heir, and four extraordinary; the eight have fifty pounds each per annum; the others, being the Duke of Argyle, Isla, Sir Robert Walpole, and another I forget, nothing, and I believe will not concern themselves. Mr Cumine, the minister, attended him on deathbed; he asked at his daughter, who is exceedingly narrow, what he should give him, she replied, 'That it was unusual to give any thing on such occasions;'—'Well then,' says Charters, 'let us have another flourish from him,' so calling his prayers—so you see he has dyed as he lived. There accidentally happened the night he dyed a prodigious hurricane,

which the vulgar ascribed to his death, and other more sharp-sighted folks saw a great deal of men on horseback, I suppose divels, or rather deceptions. He is to be burried in Haddington churchyard, and I think should have left something to that paroch for the benefite of Christian burial; he likeways left, what I had almost forgot, an hundred pounds to the Infirmary; so there is an end of the great Charters.

“ By late accounts, Cardinal de Fleury, first minister of France, and much attached to Brittain, is dead, and its talked, is to be succeeded by the Duke de Main, who is of a very different way of thinking, and not upon the Spanish interest, but for the glory of France and war. Since my last, Mr Kerr, of whom I wrote you, is dead; what money he has left is uncertain, but he has left several legacys. Sir Alexander Maxwel’s daughter, a young girle, who, had she married with consent of friends, had twenty thousand merks, and otherways, but four, has thought fit to bestow herself lately on ane Carruthers, a writer, to all her friends’ dissatisfaction. Mrs Craick, presumptive heires of Dochry, who has been much visited by the males this winter, is gone to the country. My Lady Bute and familie goe for Mount Stewart first week of March, and offered your mother a seat in her coach, but I’m afraid she will not be ready. I shall be in toune sometime, if a certain affair goes to mind, which I shall afterwards communicate, and I hope to your satisfaction; poor Hew Fleeming is very bad; there is a talk of great changes in one session, viz. that Duncan Forbes is to be made President, and the present President to retain his salary; and in like manner Milnton Justice-Clerk, and Dundass Advocate. If I wrote this formerly, I forgot. Lady Margaret Boyle goes soon to the country with much reluctancy. My Lord Boyle is to leave the Heazelhead,¹ live with his father att Kelburn, which I fancy his lady will not

¹ Hazlehead, in the parish of Beith, now the property of Dr Robert Patrick of Trearne. It is a place of considerable antiquity, and formed part of the extensive lordship of Giffen, which for several centuries belonged to the family of Eglinton. In Pont’s Cuninghame Topographized (MS. in the Advocates’ Library), it is thus noticed: “ Hazillhead Castle, a stronge old bulding, environed with large ditches, seatted on a loche, veill planted, and comodiosly beutified; the heritage of Robert Montgomery, laird thereof. Faumes it is for ye birth of yat renomet poet, Alexander Montgomery,” the author of “ The Cherrie and the Slae,” which was published in 1597.

relish. All friends here are perfectly well, as is *brother Garnock and his family, brother James and David, and sister Ann* ; so hoping you'll mind me to all friends, I am,

“ Dear Peggie,

“ Your affectionate brother and humble servant,

(Signed) “ JOHN CRAWFURD.”

In another letter from the writer of the preceding to the same lady, dated Edinburgh, 18th May, 1732, he says, “ *brothers James and David are both very well. I have not heard from Charles since I last wrote to you, but I believe he is on his return home.*”

From the same to the same. 18th May, 1732.

In a letter from David Crawford to Mrs M'Neil, dated Kilbirnie, 18th October, 1732, he says, “ your brothers *Garnock, John, and James*, desire to be remembered to the bearer and you in the most affectionate manner. *John designs to go into the Session next week ; as for James, he resolves to pass the winter here.*”

18th October,

Among some old papers that were found in a box in Robert Riddet's, in Kilbirnie, and which had belonged to the Kilbirnie family, and which will be more fully noticed afterwards, there was a subscription paper to a goose race at Kilbirnie Kirk in 1733, signed by Patrick, Viscount Garnock, and by his brothers, John and James, which clearly shows that James Crawford was that year living with the family at Kilbirnie House. This paper contained the genuine subscription of James Crawford, and it will be seen afterwards of what use the sight and possession of this subscription was made by the Claimant.

Papers found at Kilbirnie, dated 1733.

In order to show that James Crawford lived at Kilbirnie, and was in the confidence and enjoyed the undisturbed society of his friends, we now beg the reader's attention to the following important document.

It appears that Patrick, Viscount Garnock, had, with the consent of John, Earl of Glasgow, Mr Harrie Maule of Kelly, Mr William Boyle of Shewalton, and Mr George Dundas of Duddingstone, his creditors and relatives, granted a commission to Mr Patrick Boyle, Advocate, to feu out the whole, or such parts of the barony of Glogarnock, as he should think proper ; and that in the exercise of

Charter
witnessed
by James
Crawfurd
in 1734.

these powers, Mr Boyle had contracted with William Cochrane of Ladyland, for a feu of the two pound land of old extent of Baillieston, part of said barony of Glengarnock; and that in 1734, Lord Garnock, with consent of the creditors before named, executed a feu charter in favour of Mr Cochrane.¹ This charter is now before us, and as the subscription clauses prove that the Honourable James Crawfurd was living with his brother, and associating with the friends of the family, instead of being in obscurity and disgrace in Ireland, we will transcribe the clauses verbatim. The charter thus concludes: "In witness whereof, these presents, wrote upon stamp

¹ In the introductory section we gave some account of this barony and of its ancient proprietors, the Ridels, and their successors, the Cuninghames; from the latter of whom it was acquired by the family of Kilbirnie. It appears that the Cuninghames had tried the experiment of *dam-breaking*, where they had opportunity, as well as that of *boat-breaking*, as mentioned in the Case quoted at page 3, note; for, in 1474, William Cuninghame of Glengarnock and his sons were prosecuted at the instance of the "venerable fader and convent" of Inchaffray, for demolishing a dam which belonged to that abbey. The following entry of the case appears in the *Acta Dominorum ad causas*.

"*Apud Edinburgh*, ix die Maij, A.D. Mcccc.lxxiv.

Parliamentum excellentissimi Principis ac Domini, Domini Jacobi tercii Dei gratia Regis Scotorum illustrissimi, tentum et inchoatum apud Edinburgh, ix^o die mensis Maij, anno domini M^o. iiii^c.mo lxxiii^{to}.

Electi ad causas.

Episcopus Brechinensis,	Comes Merschell,	Jacobus Schaw de Schauchy,
Ahbas de Aberbrothok,	Dominus Lile,	Jacobus Camron,
Magister Gilbertus Rerik,	Dominus de Stobhall,	Alexander Fowlis.

xvii^{mo} Maij.

Sederunt Domini Auditorio, unacum Episcopo Abirdonensi, Comite de Ergyle, D—— Guthre, Magistro Alexandro Inglis.

In the actione and caus persewit be a venerable fader, George Abbot of Inchechaf . . . and his convent, on the ta part, again William of Cuninggam of Glengarnok, Thomas Cuninggam and William Cuninggam, his sons, on the tother part, anent the destructione and doone castin of the mylne lade and dam of Dunfally, pertening to the said abbot and conuent, both the said partys beand present be tbaim self and thair procurators and thair said . . . richts, resons, and allegacouns at lenth sene, herd, and vnderstandin, The lords decretis and deliueris that the saidis William, Thomas and William, sall big and mak vp againe on thair awne expensis the said milne lade and dam, also gude as it was, the tyme on the doone castin to be broukit and joysit be the said abbot and conuent, ay and quhill the said William schaw sumthing to bere it lauchfully fra tbam, and our souuerain lordis lettres to be direct herenppon."

The only way in which we can account for this *sacrilegious* conduct of the Laird of Glengarnock so far from his own territory, is his connexion with the family of Edmonstone of Duntreath, part of whose estate lay in the parish of Balfroon, in Stirlingshire, where the abbey of Inchaffray held property.—*Acts of Parliament*, vol. vii. p. 619.

parchment by Colin Mackenzie, apprentice to Mr Hew Crawford, clerk to the signet, are subscribed by us as follows, viz. we the said Patrick, Viscount of Garnock, and Mr Patrick Boyle, subscribe these presents; and we, the said Viscount, have ordered our seal to be appended hereto, at Kilbirnie House, the thirty-first day of May, one thousand seven hundred and thirty-four years, before these witnesses, *Mr James and Mr David Crawford, both brothers-german to us, the said Viscount of Garnock, and Hew Crawford, apprentice to the said Mr Hew Crawford, the place, date, and witnesses' names and designations being wrote by the said Hew Crawford, and the two words, 'William Cochrane,' near the beginning of the twenty-seventh line, being before subscribed, superinduced by the said Hew Crawford, att our desire, in place of other two words which were erased as being inserted by mistake.* (Signed) Garnock, Patrick Boyle. James Crawford, witness; David Crawford, witness; Hew Crawford, witness." The consents of the different creditors are adhibited to this charter in the following manner:

"We, William Maule of Panmure, Esq., eldest son and heir of the said deceased Mr Harry Maule of Kelly, and Mr William Boyle of Shewalton, do hereby consent to the above written charter. In testimony thereof, we subscribe these presents, wrote by Walter Johnstone, apprentice to the said Mr Hew Crawford, clerk to the signet, at Edinburgh, the sixth day of August, Imvij. and thirty-four years, before these witnesses, Mr John Maule, advocate, and the said Walter Johnstone. (Signed) W. Maule, William Boyle. Jo. Maule, witness; Walter Johnstone, witness."

"I, George Dundas of Duddingstone, do hereby consent to the within written charter, and in testimony thereof, I subscribe these presents, wrote by Mr John Crawford, advocate, brother-german to the Viscount of Garnock, at Dudingstone, August twentie-ninth, one thousand seven hundred and thirty-four years, before these witnesses, Mr John Dundas, advocate, my son, and the said Mr John Crawford. (Signed) Geo. Dundas. John Crawford, witness; John Dundas, witness.

"I, John, Earle of Glasgow, eldest son and heir of the deceast

David, Earl of Glasgow, do hereby consent to the above written charter, and in testimony thereof, I subscribe *these presents*, wrote by *Mr James Crawford, brother-german to the Viscount of Garnock, att Kelburn House, the sixth day of November, one thousand seven hundred and thirty-four years*, before these witnesses, Mr Andrew Cuming, minister of ye Gospel, at Largs, and *Mr James Crawford foresaid, writer hereof*. (Signed) Glasgow. *James Crawford*, witness; And. Cumine, witness.”¹

Letters to
Mrs M’-
Neil, 1734.

In the same year there is a letter from the Honourable John Crawford to his sister, Mrs M’Neil, dated at Edinburgh, 8th August, 1734, in which he says, “ I had occasion to be several times with the great man [supposed the Duke of Argyle], as also, to drink with the Earl of Crawford, who assures me he resolves to *provide your brother James in a better* post than formerly; and also to procure recommendation for your brother David.”

1738.

There are also extant letters, dated in October 1738, from Edinburgh, from the Honourable John and *James Crawford*, to Mrs M’Neil, their sister.

Contract
between
James
Crawford
and Wil-
liam Orr,
in 1739.

It appears that, in 1739, James Crawford entered into a contract with William Orr, farmer at Kilbirnie Kirk, as to the purchase and sale of meal. The first hint of this was got from the old box in Robert Riddet’s, where some letters from James Crawford to William Orr, on the subject of this contract, were found. The contract itself was found on record in the books of Council and Session.

Letters to
Mrs M’-
Neil, 1740,

There is extant a letter from James Crawford to Mrs M’Neil, dated at Edinburgh, 2d May, 1740.

and 1741.

There are letters also extant from him to Mrs M’Neil, from London, of the following dates,—5th March, 18th June, and 20th October, all in the year 1741.²

Death of
the Hon-
ourable

We now come to the closing scene. The Honourable James Crawford died in London, and was buried at St Martin’s-in-the-

¹ This charter now forms part of the progress of writs of Robert Walker of Bailieston. It was communicated by Robert Spier, Esq. writer in Beith.

² Penes Col. Campbell.

Fields, Middlesex, on the 3d March, 1744-5.¹ Of this event there is the most undoubted evidence, to which we are now to call the attention of the reader.

James
Crawfurd
in London,
in March
1745.

1st, The fact is attested by the register of burials of St Martin's-in-the-Fields, as appears from the following certificate :

Evidence
of this.

“ Buried, in March 1744—3d, The Honourable James Crawfurd, M—.”

“ The above is a true extract from the register of burials, belonging to this church.

“ Witness my hand, this 4th day of May, 1824.

(Signed) “ D. MORGAN, Curate.”

When this entry was discovered, it appeared to be such a death-blow to the Claimant's prospects, that the only thing which remained for him to do was to throw doubt upon its authenticity. Accordingly all hands were set to work, and in a few days a rumour was circulated that this entry did not originally apply to the burial of the Honourable James Crawfurd, but to the Honourable James Crawley. It was said that the final syllable *ley* had been erased, and the syllable *furd* substituted in its place. Several persons were brought to examine the entry, and they all concurred in saying, that it had been erased. The entry has been examined by persons who have taken an interest in this question, and it does appear to them that there has been an erasure upon this word, but

¹ It may, perhaps, be necessary to inform the reader, that, prior to 1752, it was customary to reckon by the old style of the year. Formerly the year was held to commence at Ladyday, or 25th March. By act of the Privy Council of Scotland, of date 17th December, 1599,* it was ordained, that the year should thenceforth commence on the 1st January. This enactment was not generally observed for a long period ; and it was not until 1752, when the style was changed by Act of Parliament,† that the old mode of reckoning was laid aside. It was customary, however, to mark both years during the running of the months of January, February, and part of March. By the old mode of commencing the year, letters dated prior to 25th March, were dated in the year preceding. Thus, what we would write in February 1830, would be, in the old manner, February 1829 ; and in order to point out this difference, it was usual to write both years thus, “ February 1829-30.” A great display of ignorance on this subject has been made by the Claimant and his friends, as if there had really existed any doubts about the year of James Crawfurd's death. Whereas, it has uniformly been stated to have been in March 1744, according to the old mode of commencing the year, or March 1745, according to the new.

* Printed in Moysie's Memoirs, App. p. 25.

† Swint. Abrid. voce Calendar.

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nourable
James
Crawfurd.

who made this erasure is a totally different question. Who was the party interested in throwing doubt upon the authenticity of this register? Certainly it was not the committee of subscribers to the fund for investigating the Claimant's case, and in course of whose labours the entry was discovered. They had no purpose to serve by the vitiation of this or of any other document. Certainly it was not Lady Mary Lindsay Crawfurd, or any of the substitute heirs of entail who had any interest to vitiate this register, as they were in possession of an unconquerable body of evidence of Mr Crawfurd's death without this auxiliary, however important it might be. On the other hand, the Claimant was most deeply interested to disprove the account of James Crawfurd's death in 1745, as it confessedly was totally destructive of his case, as all his witnesses concurred in swearing, that that person died at Anaghmore, in Ireland, in 1765. Be this as it may, however, the evidence of the death of the Honourable James Crawfurd does not rest on the validity of this single entry. It rests on a train of unchallengeable documents, the combined effect of which it is impossible to resist. Granting, therefore, that there had either been an accidental or intentional erasure of the word *Crawley*, and a substitution of *Crawfurd* in its stead, it was incumbent on the Claimant to show that there had been such a person as the Honourable James Crawley, whose burial might have taken place in St Martin's-in-the-Fields, on 3d March, 1744, O.S. But this he has not ventured to allege, knowing that he durst not. Some research has been made on this subject, but no honourable family of that name has been found, nor any person who could be buried under that designation of the foresaid date. Until the Claimant can allege and substantiate something of this sort, the accusation as to the alteration of the name in the register must go for nothing. Those acquainted with keeping registers, and writing proper names, know the frequency of mistakes which occur in putting down names; and this alteration may have taken place in consequence of some such mistake, especially as the funeral of the Honourable James Crawfurd must have been conducted by strangers, and the entry made by an official person. Upon discovering his mistake, it might be corrected at the

time, or it might not. It is of comparatively little consequence. A like instance of mistake has recently been brought to public notice in Wilson's Life and Times of Daniel Defoe. It appears that Defoe died in London, in the parish of St Giles, Cripplegate, in 1731. "He was buried upon the 26th April, in Tindall's burying-ground, now known by the name of Bunhill-Fields. The entry in the register, written probably by some ignorant person, who made a strange blunder of his name, is as follows :—' 1731, April 26, Mr *Dubow*, Cripplegate.'" This entry is a greater mistake than if *Crawley* had been originally made for *Crawfurd*, and afterwards corrected. That the entry in the register was, however, intended for the Honourable James Crawfurd, is proved,

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nourable
James
Crawfurd.

2dly, By the corroborative and correlative entry in the Sexton's book, against the genuineness of which no suspicions have been raised. This entry has been certified in the following manner :—
" March, 1744.

" 3d, The Honourable Mr James Crawfurd, *No G. 11th Bl. 6. m.*
Masson m . 2 . 9 . 8—Dukes Court."

From this, it appears, that the burial took place on the 3d of March, 1744-5; that the deceased had *no* burial-ground in the parish churchyard; that the 11th *Bell* was tolled at six o'clock in the morning; that the Sexton's charges were £2, 9s. 8d.; and that the corpse was brought from Dukes Court.

If the original entry had been the burial of the Honourable James Crawley, the Sexton's book would have borne the name *Crawley* instead of *Crawfurd*, or it must have been erased and altered, or it must have been altogether an *ex post facto* operation, and got up for the express purpose of corroborating the register of burials, after the same had been altered to its present import. This is, however, not even alleged. There is no vitiation of the Sexton's book; and therefore the only legitimate conclusion to which we can come is, that if, in the register of burials, the word *Crawfurd* stands upon erasure, that erasure must have been done accidentally at the time of the entry, or it must have been done purposely of a *recent date*, with the sole intention of throwing doubt upon the record.

3d, When the intelligence of Mr *Crawfurd*'s death reached Edin-

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of the
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James
Crawfurd.

burgh, it fell upon Mr Hew Crawfurd, writer to the signet, the confidential man of business, and relative of the family, to intimate the occurrence to the Viscount Garnock, the nephew of the deceased. His Lordship was at that time following his studies at the University of St Andrews. Among the family papers preserved at Crawfurd Priory, were found two letters, which prove this beyond all question. They were written by Lord Garnock to Mr Crawfurd ; and when the papers of that gentleman were transferred to the hands of the man of business, who succeeded him in the management of the family affairs, they passed along with other letters of correspondence of no value. They are now most material in serving the interests of the family, in a way which neither the writer, nor the person to whom they were addressed, could possibly contemplate. The first is in the following terms, and is addressed to Mr Hew Crawfurd, junior, writer at Edinburgh :—

“ DEAR SIR,

“ I received yours, together with the Precept enclosed, which I have signed and returned. *I am sorry to hear of my uncle James’s death. You’ll please send me over a hat likewise, because a gold treasuring hat would not do with mourning.*

“ If you see my sister, you’ll please ask her why she does not write to me, it being a good time since I wrote to her, and she having given me no return. I am,

“ Dear sir,

“ Your most humble servant,

(Signed)

“ GARNOCK.

“ *St Andrews, March 25th, 1745.*”

The second letter is addressed to the same person, and is of the following tenor :—

“ DEAR SIR,

“ I received yours, together with the suit of clothes, hat, stockings, and other things, for which the carrier is already paid. You’ll please ask my aunt why she does not write to me ; because I wrote

to her, and I have not got a letter from her since I came last to St Andrews, and you will oblige, dear sir, your most humble servant,

(Signed)

“ GARNOCK.

“ *St Andrews, April 2d, 1745.*

“ P.S. The clothes fit me very well.”

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nourable
James
Crawfurd.

That these letters are genuine is beyond all doubt, and this single fact destroys the whole of the Claimant's case ; for if the person whom Viscount Garnock calls his uncle James, died in 1745, it is impossible that the Claimant's ancestor, who is proved to have died in 1765 at Anaghmore, could be the Honourable James Crawfurd ; and if he was not that person, there cannot be the slightest shade of truth in the Claimant's pretensions.

That such documents existed was made known to Mr Bell, and pressed upon his notice, not only by Mr Alexander Hunter, writer to the signet, in the letter published in the “Crawfurd Peerage,” at page 320, but repeatedly before ; yet to these Mr Bell shut his eyes, designating the letters “Charter chest trash,” and affecting to turn them into ridicule. It is curious to observe what the Claimant himself has put forward on this subject. In the “Crawfurd Peerage,” at page 239, he says—“After presenting our readers with a view of the witnesses found in Ireland, which go to establish Mr Crawfurd's propinquity to the ancient house of Kilbirnie, we will next state upon what ground the Lady Mary has endeavoured to rebut them, and other evidences, which Mr Crawfurd has produced both in Scotland and Ireland, at different periods ; and it is thus, by two letters, said to have been written from St Andrews, and addressed to Hugh Crawfurd, writer, Edinburgh. Now, let it be observed, that the individual who should have been writing these two letters, *is understood* to have been at that period in the rank of a subaltern officer in the army, and was aide-de-camp to John Earl of Crawfurd on the continent. But what is still more extraordinary, the letter said to be written April 2, 1745, was announcing the death of a man at least six weeks before he died ; for it was sometimes held out by those parties that he died in London the latter end of March, O. S., and afterwards on 3d March, N. S. ; and be it noticed, that, strange

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to relate, this assertion is merely supported by a forgery, committed on the parish register of St Martin's-in-the-Fields, London, which will be proved when we arrive at that part of our memoir."

At page 240, the Claimant goes on to say—"It was another time held out by Lady Mary that, in 1744, Lord Garnock should have wrote from London, announcing the death of his uncle James, and desiring that mournings might be sent him from Kilbirnie; *that is as much as to say, he could not conveniently find mournings in London.* Here is a strange inconsistency indeed; mourning, they say, could not be had in London, one of the greatest cities in the world, or otherways it must have been thus, that Lord Garnock was reduced to such beggarly circumstances, that his Lordship could not afford to purchase a suit of mournings! Away with such barefaced inconsistencies! the thing smells too rank for our common sense to be imposed upon by such a stale juggle, and we will therefore follow up that no farther."

It is in this trifling way that the Claimant and his legal advisers thought to get rid of the evidence of the death of the Honourable James Crawfurd which they knew existed against them, and was so decidedly destructive of their pretensions.

4th, The next piece of evidence upon the subject of the Honourable James Crawfurd's death, to be submitted to the consideration of the reader, is the following letter from the Honourable Christian Graham Crawfurd, afterwards wife of Patrick Bogle of Hamilton Farm, to her aunt, Mrs M'Neil of Ugidale. This lady is mentioned before. She is the Lady *Gremmie* of Agnes Gibson, and was the sister of Lord Garnock, who wrote the letters from St Andrews, as before inserted. The letter is dated at Edinburgh, 9th April, 1745, and is of the following tenor:—

"MY DEAR AUNT,

"It gives me unspeakable pleasure to hear that you and all your family are well, and that your daughter is recovered of the small pox. I wish all your children who has not had them, may be as mercifully dealt with as I hear she was. No doubt long ere this you have heard the surprising and melancholy accounts of your

brother's death ; for your sister, Miss Crawford, told me she had taken the most prudent method of informing you, by writing to Mr M'Neil that same day she heard of it. I make no question but you would be as much surprised as all his friends here were. What made it more dismal, we never had heard at all of his illness, although it was a lingering illness he died of. As his condition in this vain world was not the most prosperous, so I hope, through the infinite mercies of God, and merits of a glorious Redeemer, he has made a happy change. Great is the change indeed : may we all take warning from his early fate, and live so as death may be no surprise to us. I know, my dear aunt, you can't but smile at my low way of expressing myself upon these subjects ; but, at the same time, I know I am writing to one, whom I know won't censure, but excuse my weakness.

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" We have little or no news at all in town, and I was long of coming in this afternoon, so I have no time to write you any we have, but shall do it in next. I wrote to you some time ago ; but I've not had the pleasure of a letter from you this great time. I got your stays several weeks ago, but delayed sending them since I heard of your brother's death ; for I thought you would probably be wanting some mournings, so I thought it would be best to send them altogether ; at the same time I shall send you the accounts and discharges of the things I sent you. Eight is ringing, so I can add no more, but only all your friends here are pretty well. My Lady Glasgow¹ and her family, and Lady Margaret, ask often for you, and desire me to make their compliments to you. Forgive this ill exprest scrawl, and believe me to be ever, dearest aunt, your most affectionate niece, and humble servant,

(Signed)

" C. G. CRAWFURD.

" *To the Honourable Mrs M'Neil of Ugidale, to the care
of the postmaster in Kintyre, Argyleshire, Campbelton.*"

5th, It farther appears, that both John and James Crawford had died in debt. In particular, they were indebted to the Honourable

¹ Mrs M'Neil's aunt.

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Patrick Boyle of Shewalton¹ in the following sums:—1st, In the sum of L.79, 1s. 10d. sterling, contained in a bill drawn by Mr Boyle upon, and accepted by, the said John and James Crawfurd, with interest from 2d November, 1738; and, 2d, In the sum of L.421, 14s. 2d. Scots, with interest from Candlemas 1741, as contained in a bill drawn by Mr Boyle upon, and accepted by, Mr James Crawfurd. It has already been stated, that the patrimony of John and James Crawfurd was secured to them by a bond of provision, executed in their favour in 1708, by John, Viscount of Garnock, their father. It was thus originally a personal right, but it became heritable in consequence of their having, in 1723, adjudged the estates of Kilbirnie and Glengarnock in payment of these provisions, and for the provisions to the other younger members of the family. It appears, that at the death of John and James Crawfurd, their patrimonies had not all been fully realised, and that Lord Shewalton intended to attach their interest in the estates of Kilbirnie and Glengarnock, in payment of his claims. For this purpose, it became necessary for him to charge the heir-at-law of his debtors, John and James, either to make up a title and represent them, and pay their debts, or to renounce their succession, and leave him, the creditor, to recover his debt from his debtors' estates. The person whom he fell to charge was George, then Viscount Garnock, the surviving son of Patrick, the eldest brother of his debtors, John and James Crawfurd, who would have succeeded to the heritable estates of his uncles, being heir of line and of conquest to them both. Accordingly, in September, 1747, Lord Shewalton presented a bill for letters of general charge against George, now Viscount Garnock, "as apparent heir of each of his two deceased uncles, Mr John *Crawfurd, advocate*, and Mr James *Crawfurd, surveyor of the customs at Irvine*, both brothers-german of the deceased Patrick; Viscount of Garnock."²

When this charge was served upon Lord Garnock, a consultation

¹ The Honourable Patrick Boyle of Shewalton was second son of David, first Earl of Glasgow. He was called to the bar in 1712, and was raised to the bench by the title of Lord Shewalton, on 19th December, 1746. He died unmarried at Drumlanrig, 31st March, 1761.

² Preserved in the Signet-Office, Edinburgh.

was held by his Curators, the consequence of which was a resolution that Lord Garnock should not interfere with the property of his uncles ; but on the contrary, should renounce being heir to them, leaving Lord Shewalton to attach their property in payment of his claims, in the form which the law prescribed. Accordingly, a regular deed of renunciation was executed by Mr Hew Crawford, one of his Lordship's Curators and Commissioner ; and as this deed is of much consequence in the present narrative, it shall now be laid before the reader without any abridgement.

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“I, Mr Hew Crawford, clerk to the signet, as one of the curators of the Right Honourable George, Viscount of Garnock, and commissioner appointed by him, and the other two accepting curators named by his father's nomination, dated the 7th day of June 1732 years, and registrate in the books of Council and Session the 22d day of September, 1735 years, and as such, having power not only to defend in all actions and causes against the said Viscount, and to appoint procurators and others necessary for that purpose, but also to make and grant all such writs and deeds as may be either profitable or proper for the said Viscount to grant himself, conform to the commission by him and his curators to me, dated the 7th and 13th days of June, 1746 years, and registrate in the books of Session the 16th day of the same month of June,—considering that the said George, Viscount of Garnock, *is charged to enter heir of his two uncles, the deceased Mr John Crawford, advocate, and Mr James Crawford, both sons of the deceased John, Viscount of Garnock,* and brothers of the also deceased Patrick, Viscount of Garnock, at the instance of the Honourable Mr Patrick Boyle of Shewalton, one of the Senators of the College of Justice, as creditor of the said Mr John and Mr James Crawfurds, and thereupon pursued as such for payment of their debts and implement of their obligations ; and that he may be charged to enter heir, and pursued as such at the instance of others of their creditors ; and that his Lordship can reap no advantage, but, upon the contrary, may sustain damage, by entering heir of his said uncles, or either of them, Do therefore, as commissioner foresaid, and with consent of Mr John Dundas, younger of Duddingstone, advocate, one of the other two accepting curators of

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the said George, Viscount of Garnock, renounce all right and title which the said Viscount hath to be heir of his said two uncles, Mr John and Mr James Crawfurds, and overgive from him the same, and all benefit and advantage which might accrue to him if he were entered heir foresaid, to and in favour of the said Mr Patrick Boyle, and all others, the just and lawful creditors of the said Mr John and Mr James Crawfurd, and consent to the registration hereof in the books of Council and Session, or of any other proper court, therein to remain for preservation ; and thereto constitute

my procurators for that purpose. In witness whereof, this and the two preceding pages, wrote upon stamp paper by Hew Crawfurd, writer in Edinburgh, are subscribed by me, the said Mr Hew Crawfurd, at Edinburgh, the sixth day of June, 1748 years, before these witnesses, Thomas Murray, my apprentice, and the said Hew Crawfurd, and by me, the said Mr John Dundas, at Edinburgh, the eighth day of the said month of June and year foresaid, before these witnesses, David Dundas and Alexander Justice, both apprentices to the said Mr Hew Crawfurd. (Signed) Hew Crawfurd, John Dundas. Hew Crawfurd, witness ; Thomas Murray, witness ; David Dundas, witness ; Alexander Justice, witness."

In consequence of this deed of renunciation, Lord Shewalton, on 14th December, 1748, obtained a decret of adjudication before the Lords of Council and Session, which carried from the heir of John and James Crawfurd the patrimonial interest which they held in the estates of Kilbirnie and Glengarnock, for the provision secured to them by their father, and which estates had been adjudged in their favour to the extent of these claims in 1723.

Nothing, surely, can be more conclusive against the pretensions of the Claimant than these proceedings, the whole of which are upon record in the Supreme Court, and thus beyond suspicion. Of this the Claimant, and his men of business also, were fully aware from the very first, for this evidence was exhibited at the Claimant's trial, to show the absurdity of his forgeries, which went to prove that the Honourable James Crawfurd was writing letters in 1751 from Ireland, six years after it was proven he had died in London. Accordingly these judicial proceedings have all along proved great

stumbling-blocks to the Claimant, and have puzzled both himself and the learned persons who, from time to time, have taken charge of his case. In the original sketch of the Claimant's life, he does not know well what to say on this subject, but ventures to state, "that Boyle, not knowing any thing of James Crawford, who was then in Ireland, with which country there was at this time little intercourse, gave the general charge to Viscount Garnock to enter heir to his uncles, on the supposition they were dead, which every person knows is a matter of form, *and might be given, even although James Crawford was alive.* Viscount Garnock does not appear, perhaps from his knowledge of the lowness of James's finances, to have thought proper to contradict the belief of his being dead, which accounts for the letters supposed to have been written from St Andrews."

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Crawford.
Sketch, p.
61.

In like manner Mr Bell says, "I understand her ladyship's agents rely on a document, *called a warrant for a general charge*, deposited in the Signet-office, Edinburgh. This instrument they pretend to think sufficient to set aside my client's claims, though it only goes to show that Mr Patrick Boyle of Shewalton alleged that he had several actions to pursue against George, Viscount of Garnock, as apparent heir to his two deceased uncles, Mr John and Mr James Crawford, both brothers of the deceased Patrick, Viscount of Garnock, and prays for liberty to pursue the said Viscount, his tutors and curators, if he any had, and to compel him or them to pay the sums due by the said John and James Crawford. This cannot be considered of more importance than a common motion, and it does not appear that Patrick Boyle, the creditor, ever followed up or prosecuted his suit; *most probably*, because he found that James Crawford was living, and had issue: but let this instrument be distorted as it may, it will only go to show, that an individual named Patrick Boyle thought that James Crawford was dead at the period he made this application; and it was very natural he should think so, as *his family encouraged that belief in consequence of the crime he committed*, in plundering the customs of Irvine, and killing his opponent unfairly. These disgraceful acts must have given great uneasiness to the noble family of which he was a member,

Mr Bell's
Case, p. 27.

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James
Crawfurd.

"Crawfurd
Peerage,"
p. 239.

and was no doubt, they imagined, a justifiable reason for not only concealing his residence, but his existence."

In the case of 1824, no notice is wisely taken of these proceedings; but in the "Crawfurd Peerage," we have the following statement:

"Lastly, we are bantered with an instrument which those objectors term a general charge, said to have been at the instance of Mr Patrick Boyle of Shewalton, against George, Viscount of Garnock, as apparent heir of his uncles, John and James Crawfurd."

Ibid. p. 242.

After some confused writing about Shewalton's claims, the following statement is made:—"We now come to the main question: and first, Why did Lord Garnock disclaim or renounce all right to the acknowledgment of that charge? A plain answer to this will put the matter to rest. But before this query is answered, it will be proper to explain what we understand by the word *renunciation*, which is simply as follows. The act of renouncing, is to deny, to *disown*, or *disclaim*, denial, refusal, or which is deniable, or that may be denied, and from a certain well-grounded reason to give negation, refusal, and to reject or to cast off; or rejection, the act of casting off, throwing aside, through the instrumentality of some agent or agents. Now, we beg to enquire how comes it that Lord Garnock should openly renounce, disclaim, disacknowledge, and not only openly, but legally, refuse to submit to, or take any notice of, this general charge imposed on him by Boyle of Shewalton? It is *self-evident* that Lord Garnock knew full well that his uncle James Crawfurd, at that period, *was not dead*; and at first view of the circumstance of the general charge, at once thought of the disclaimer; but upon farther consideration, not inclined to expose the poverty of his uncle James Crawfurd, he therefore suffered decret of adjudication to come out. But again, was it executed? No! certainly not; at least such a circumstance is not on record: it was not then come to its birth; but, at the same time, it is possible that afterwards it might be pregnant, as many hands are still at work, and we find, by experience, that money commands all things of a temporal concern.

"Be this as it may, we are not ignorant of this general charge; it is nothing more nor less than a mere form to obtain, or if pos-

sible, force, a certain end in view through the channel of what is commonly called legal means ; and, as already hinted, Lord Garnock was not inclined to expose his uncle's cramped circumstances, and therefore takes no farther notice of the matter, although that a decret of adjudication may have been obtained, but, take notice, not executed."

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Such is the nonsense submitted by the Claimant and his friends, by which they attempt to controvert, nay, to overturn, the evidence of the proceedings adopted, and carried through, by Lord Shewalton, and acquiesced in by the nearest relatives of James Crawfurd immediately after his death, than which nothing can be fancied so outrageously absurd.

Here we beg leave to submit an abstract of the life of the Honourable James Crawfurd, as it has been detailed in the foregoing pages, and as that detail is supported by the documentary evidence before engrossed or referred to. It is submitted, that the lives of few individuals can be so well traced eighty years after their decease, without memorials put upon record for the purpose of aiding their posthumous biography.

Abstract
of the life
of James
Crawfurd,
as support-
ed by the
evidence
given.

James Crawfurd was born at Kilbirnie in . . . 1700

He was prosecuting his claims against his brother the Viscount, both in his own right, and as curator for his younger brothers and sisters, in . . . 1723

He was in Edinburgh on 23d September, . . . 1727

He resided there from 1st to 26th April, . . . 1729

He was appointed surveyor of the customs of Irvine in July, . . . 1729

He was suspended from the duties of his office, by an order dated 29th September, but he was afterwards reinstated.

Certain charges of fraud were preferred against him on 16th September, . . . 1731

He was at Edinburgh on the same day, and answered the charges preferred against him ; but these answers not being satisfactory, he was dismissed from his office on the 27th of said month. It appears, however, that during the whole

period in which he was employed at Irvine, he was continually and actively engaged in the duties of his office.

He was in Edinburgh on the 26th February and 18th May, 1732

He was in Kilbirnie in October that year.

It appears that his being out of business was a matter of regret to the Countess of Bute and others in September, 1733

He publicly appeared at Kilbirnie, subscribing to the amusement of a goose race, along with the other members of the family and the neighbours, that year.

He was living at Kilbirnie, and was not only witness to a charter subscribed by his brother on 24th May, but visited the Earl of Glasgow at Kelburn, and wrote a consent, which his lordship subscribed to said charter on 6th November, 1734

In August that year, he is mentioned in a letter from his brother John, who had been assured by Earl Crawford, that he would procure James a better post than his former one.

He was again in Edinburgh on the 6th of October, . . . 1738

He was there carrying on a speculation in meal with William Orr, in 1739

He was again in Edinburgh on 2d May, 1740

He went to London to attend upon his brother Charles, and was there in March, June, and October, 1741

And lastly, he died, and was buried in London, in . . . 1745

After his death, judicial proceedings were commenced for attaching his property in 1747

These proceedings were not finished until 1749

These facts are supported by authentic writings—by the records of the Court of Session—by the books of the Custom-house—by letters from Mr Crawford himself—by letters from his relatives—by regular deeds—by judicial proceedings, and by public registers. It is, therefore, impossible to withhold belief from their united testimony. If they do not prove the truth of the Honourable James Crawford's history, we must come to the undesirable conclusion, that there is no such thing as legal or historical evidence ; and if any part of this

testimony be true, the whole of the Claimant's theory is overturned, and his evidence of the Honourable James Crawford's flight to, and residence in Ireland, is an entire piece of falsehood and fabrication. We are satisfied that this must be the conclusion of every candid person who has perused the preceding pages, and that no more is necessary to be said on the case; but as much weight has been laid on what has been called the "documentary evidence" of the Claimant, we will proceed to examine it at some length, and hope to show that it is still more incredible and absurd than the oral evidence, which has now been brought to the test, and destroyed.

SECTION THIRD.—OF THE DOCUMENTARY EVIDENCE OF THE CLAIMANT.

WE come now to the examination of what has been called "the documentary evidence" of the Claimant. By this, the reader is to understand, that the Claimant, in the course of his enquiries into his pedigree, alleged that he had discovered certain writings, both in Scotland and Ireland, which went to prove, that from 1721 to 1752 the Honourable James Crawford resided at Castle Dawson, and was in the habit of corresponding with his relatives at Kilbirnie. After the evidence which has, in the foregoing pages, been submitted to the reader, it will appear to him incredible that such writings should exist. There are, however, two species of writings—genuine and forged; and where the former fail, the latter can be called into existence! We have no doubt of soon being able *to show that there does not, and never did exist, one single line of a genuine written document which proved, or tended to prove, that the Honourable James Crawford ever was at Castle Dawson in his life; and far less, that he was married and settled there.* On the contrary, we will show, that every one of the documents exhibited and founded on by the claimant for such purposes, was forged and fabricated, and that with his privity and consent.

What these documents were.

It will be remembered, that when the Claimant first came over

No such documents alleged to exist when the proceedings commenced.

Narrative of the proceedings under the commission to examine witnesses.

to Ayrshire from Ireland, he was in possession of no written documents whatever. He came in quest of information and evidence, not in possession of it. Accordingly, when the Claimant presented a petition to the Sheriff of Edinburgh, for a warrant and commission to examine witnesses in Ayrshire and Ireland, in support of the brieve he had taken out of Chancery, for serving himself heir-male to John, first Viscount of Garnock, he makes no allusion to any written documents, either in his possession, or in his knowledge, upon which he intended to found in support of his allegations. His sole object was to examine witnesses; though, no doubt, if, in course of their examination, documents had been referred to, it would have been competent to produce and found upon them. No such documents were specified, or even hinted at. As before stated, a commission was granted to David Monypenny, Esq. advocate,¹ whom failing, to David Douglas, Esq.² to take the proof. In consequence of this commission, the parties met at Ayr, where there appeared "David Monypenny, Esq. the commissioner; Mr James Lang, writer in Edinburgh, as procurator for the Claimant, along with Mr Stewart Ewing, writer in Ayr; Neil Kennedy, late merchant in Ayr; and William Wood, weaver in Newton." And on the part of the objector, Lady Mary Lindsay Crawford, there appeared "David Cathcart, Esq. advocate;³ John Hunter, W.S.; Alexander Murdoch, writer in Ayr; and Peter Maxwell, writer in Irvine." It is admitted, on all hands, that the commission failed. There was not a single witness adduced by the Claimant, whose testimony could have given him a title to take possession of an old wheel-barrow, instead of an earldom! One or two witnesses detailed some hearsay nonsense about the duel for Lady Susan Kennedy; but when pressed upon the subject, even these hearsay stories dwindled away into "thin and empty air." As much has been said on this part of the case—as the learned persons engaged in the commission have been scandalized by the Claimant and his friends, and as the evidence of the witnesses has been misquoted and misused, and as the failure of

¹ Now Lord Pitmilley.

² Afterwards Lord Reston, now deceased.

³ Afterwards Lord Alloway, now deceased.

the *oral*, led to the suggestion and existence of the *documentary* evidence, we must be excused for insisting on this part of the case at some length, and of detailing the proceedings which took place under the commission. These are introductory to the examination of the documentary evidence.

This narrative necessary to show that the failure of the oral, led to the suggestion and creation of the documentary evidence.

As a specimen of the stories told about the duel, we give the following excerpt from the oath of Agnes Rodger, widow of William Urie, late schoolmaster in Girvan, who “deponed, on being interrogated if she was in the service of the late Countess of Crawford, that she never was. That she frequently attended Mrs Hamilton of Sundrum, as a semstress. That she never heard any conversation, ’twixt Lady Crawford and Mrs Hamilton of Sundrum, about a James Crawford. Depones, that when the deponent was sewing to the late Mrs Kerr of Newfield, and when the lawsuit was in dependence between the Earl of Cassilis and Sir Andrew Cathcart, the deponent expressed her surprise to Mrs Kerr, that Lord Cassilis, who was but a third cousin to the former Lord, should succeed in preference to Sir Andrew Cathcart, the former Lord’s nephew; to which Mrs Kerr replied, that this arrangement was in consequence of the state of the law with regard to entails, and that a similar dispute would arise upon the death of the Earl of Crawford, without heirs of his body, for that a brother of a Lord Crawford absconded the country, in consequence of having fought a duel with some English nobleman; and that Mrs Kerr said the cause of the duel was her own friend, Lady Eglinton, and that the duel was fought in England. That the deponent thinks, but is not positive, that Mrs Kerr added, that this gentleman had returned to this country after the duel was fought, but that his brother ordered him away again, for fear of his being a disgrace to his relations. On being interrogated whether she heard Mrs Kerr say that a son or daughter, or other descendant of the gentleman who fought the duel, came to this country, and visited the family of Crawford, depones, that she never heard Mrs Kerr say so, neither did she ever hear Mrs Hamilton of Sundrum say this, but she has heard it said by some person, though by whom, she cannot recollect. Depones, that she never was in company with Lady Eglinton but once, which was immediately

Witnesses examined at Ayr. Mrs Urie.

after the death of her ladyship's son, and that she never heard Lady Eglinton say that she had been in love with the gentleman who fought the duel, but the deponent has heard Mrs Kerr say this. Interrogated if Mrs Kerr said, that if, in the event of Lord Crawford's dying without heirs, the heirs of the gentleman who fought the duel would succeed to the estate and peerage,—depones, that what Mrs Kerr said was, that there might be 'some *stramash*' about it, and that some friend might come over, as Lord Cassilis had come, and that it was a pity Lord Crawford did not marry. Interrogated if Mrs Kerr said who the people were that might come over and make a *stramash*, or where they would come from, depones, that she did not, farther than saying, that the heir of the gentleman who fought the duel might come. Depones, that there was no person with her and Mrs Kerr when the conversation alluded to took place. That Mrs Kerr and Lady Eglinton were first cousins. Interrogated for the objector, depones, that she knows Mr William Wood, weaver in Newton of Ayr, and has heard him say, that William Kerr, town-officer in Ayr, knows something about this business. Depones, that to the best of her recollection, the conversation betwixt her and Mrs Kerr, already deponed to, took place rather more than six years before Mrs Kerr's death, or about that time; and depones, that Mrs Kerr is the only person whom she ever heard speak about these affairs."

Jean Anderson rejected.

It was held out by the Claimant, that he could prove by a Jean Anderson, daughter of James Anderson, innkeeper, in Townhead, of Ayr, that she had heard Miss Ann Montgomerie, sewing-mistress in Ayr, tell something very particular about a James Crawford, who had killed another man in a duel, and went to Ireland. Miss Anderson was brought forward to prove this. She was a girl of 15 years of age; and she was asked if ever she had heard Miss Montgomerie, at whose sewing-school she attended, say she knew all about James Crawford and the duel. It was objected to this question, that it was mere hearsay evidence, and Miss Montgomerie herself was alive, and fit to be examined. It was farther stated to the commissioner, that the Claimant resided in the house of the father and the mother of the witness, and it was perfectly obvious

to all present that the witness could know nothing, except what she had heard talked over in her hearing, most probably for the purpose of enabling her to tell some plausible story. The commissioner would not allow the question to be put to the witness, and she was dismissed.

Miss Ann Montgomerie was then brought forward, and it is Ann Montgomerie. most material to attend to what she says. “ Being interrogated if ever she heard any thing about a James Crawford, who was son of Viscount Garnock, and having killed a man in a duel, fled the country,—depones, *that she never did, except from the claimant himself*, Mr J. Crawford, who called upon her one night, with a daughter of James Anderson, innkeeper, Townhead of Ayr, whose name is Jean or Janet, and who was at the deponent’s school. That upon this occasion, Mr Crawford told the deponent his history; and being interrogated upon the part of the objector what *history*, depones, that he said that his grandfather, or great-grandfather, or some relation of his, had fought a duel somewhere, but whether in Scotland, England, or Ireland, she does not recollect; and that this relation of his had thrown some man over a bridge; and that Mr Crawford thought himself entitled to gain the question now in dependence; and that the deponent recollects no more about it.”

The next witness examined, was Dame Margaret Cunningham Lady Margaret Cunningham Fairlie. Fairlie, widow of the deceased Sir Robert Cunningham of Robertland, Bart., who depones, “ that she was born in the year 1721; that she was acquainted with Lady Crawford from her infancy, and depones, *that she never heard Lady Crawford, or any other person, make mention of a James Crawford having gone to Ireland, after fighting a duel in this country*; nor did she ever hear of this James Crawford, or of any descendants of his.”

Mrs Jane Crawford, widow of the deceased Archibald Crawford Mrs Crawford of Ardmillan. of Ardmillan, aged 65, depones, “ that she never had any particular conversation with the late Lady Crawford on the subject of who was the person to succeed to the family of Crawford; and that she never heard from any person, of a family or person from Ireland as likely to succeed, in the event of a failure of the late Lord without heirs-male. Depones, that she has heard the late Lady Crawford

speak of the M'Neils of Ugidale, as heirs of Lady Mary Lindsay Crawford in the Kilbirnie estate, and that Lady Crawford spoke of the family of Balcarras, or seemed to wish that family should succeed to the title in preference to any other claimant, of whom the deponent heard there were many. Interrogated, *if she ever heard of a James Crawford of the Kilbirnie family having killed a man in a duel, and thereafter fled to Ireland,*—depones, *that she never heard this, except as being the account which the present claimant now gives of one of his ancestors, as he says.* Interrogated for the objector, depones, that the late Lady Crawford was the deponent's cousin-german, and the deponent lived in the house with Lady Crawford for many years, and was from her infancy in habits of the greatest intimacy with her ladyship. Interrogated for the claimant, if she ever was present at any conversation betwixt Mrs Urie and Lady Crawford about the succession to the family of Crawford, or between Mrs Urie and Mrs Kerr, or between Mrs Urie and Mrs Hamilton of Sundrum, on this subject,—depones, that she knew a Mrs Urie, a mantuamaker, but has not seen her for at least twenty years, and heard she was in a state of derangement; and she never saw Mrs Urie and Mrs Kerr together, neither did she ever see Mrs Urie with Mrs Hamilton of Sundrum, so far as she recollects."

Mrs Hamilton of
Pinmore.

The only other witness examined by the commissioner at Ayr, was Mrs Lilius Hamilton, spouse of Hugh Hamilton, Esq. of Pinmore, who, "on being interrogated whether she ever heard the late Lady Crawford say who was to succeed to the family of Crawford, in the event of the late Lord dying without heirs-male, and if she ever heard of a person or family from Ireland as likely to succeed,—depones, that she has heard the late Lady Crawford mention who was to succeed after M'Neil of Ugidale to the Kilbirnie estate. That her ladyship said, she believed she had been in a mistake in supposing that the family of Balcarras would succeed after M'Neil of Ugidale, and now imagined that it would be Lord Glasgow's family who would succeed after Mr M'Neil; and depones, that she never heard *Lady Crawford make mention of a person or family from Ireland as entitled to succeed.* Depones, that she never heard of a *James Crawford of the Kilbirnie family as having killed a man in a*

duel, and fled to Ireland, until she heard this mentioned after the present question was commenced ; and that she never heard of a James Crawford, son of the first Viscount Garnock, at any time, or on any occasion, till the present Claimant appeared. Depones, that it was before the death of the late Lady Crawford that she first heard this spoken of ; and she knows, or at least understands, that Lady Crawford received a letter from the Claimant on the subject ; that the deponent is not certain whether she ever heard Lady Crawford speak of this letter, but she understood, either from Lady Crawford or from others at the time, that her ladyship considered the claim as perfect nonsense. Depones, on the objector's interrogatory, that she was acquainted from her infancy with Lady Crawford ; has lived for a month at a time in the house with her ladyship, and was in habits of intimacy with her all her life."

Such was the proof taken at Ayr under the commission which the Claimant craved, for the purpose of proving his propinquity to the Honourable James Crawford, or at least of connecting himself in some manner, with the noble family of Kilbirnie. There never was such a failure ; but as greater things were expected in Ireland, the commissioner proceeded thither, and at Castle Dawson, on the 11th May, three days after the sederunt at Ayr, they commenced examining the Claimant's Irish witnesses. On the part of the Claimant, there were present Mr Lang, and Crawford Fullerton, residenter in Castle Dawson ; and on the part of Lady Mary Lindsay Crawford, David Cathcart, Esq., and Mr Murdoch, writer in Ayr, and Mr Chamber, attorney at Magherafelt.

The Commissioner proceeds to Ireland.

The first witness examined was Charles M'Crakin, barber in Castle Dawson, aged 81, who deponed, "that he was very well acquainted with James Crawford in Broagh ; that said James Crawford told the deponent that he was born *and bred in Kilbirnie, in Scotland* ; that he came from Dublin to Castle Dawson with Colonel Dawson, and that he was overseer and care-taker for the Colonel of his estates in the neighbourhood. Depones, that James Crawford told the deponent, *that Lord John Crawford was his father ; that James Crawford was married to one Peggy Jamieson ;* and being interrogated, if he is sure that the name was Peggy Jamieson,

Charles M'Crakin.

depones, that her name was Jamieson ; and he thinks her first name was Peggy, but he is not positive of this." The witness then details the family of James and his descendants, showing that the Claimant was his grandson ; and then, being interrogated on the part of the objector, depones, " that it is well on to fifty-four or fifty-five years since the deponent was first acquainted with James Crawford in Broagh ; and for many years before the deponent's marriage, he was in the custom of going on the Saturday evenings and remaining till the Monday mornings, in the house where old James Crawford resided, with whom the deponent was in habits of the greatest intimacy. Depones, that it is near to forty years, to the best of the deponent's recollection, since James Crawford in Broagh died, and the deponent was present at his funeral. That James Crawford, so far as the deponent knows and remembers, was about 60 years of age or 61 when he died ; and that the deponent has often conversed with him about his age, though he may now not precisely recollect it. Interrogated, if he ever heard James Crawford speak about the Castle of Ayr, depones, that all he heard him say was, *that he was born at Kilbirnie, in the shire of Ayr.* Depones, that the deponent was born in Letterhenny, in the county of Donegal, but was brought up in Londonderry, and that it is upwards of forty years since he came to Castle Dawson. And being interrogated, if he can specify the precise time when he came to Castle Dawson, depones, that if it is not above forty years since that period, it is no less. Depones, that the deponent did not know old James Crawford before he, the deponent, came to settle at Castle Dawson ; and it is odds of thirty-nine years since he, the deponent, was married." Here the reader will not fail to observe a contradiction of what the witness had just deponed to on his examination for the Claimant ; for he then said that it was well on to fifty-four or fifty-five years since the deponent was first acquainted with James Crawford, and that for many years before his marriage he had been in the custom of going on the Saturday evening and remaining till the Monday morning in the house where old James Crawford resided ; whereas he now swears, that he did not know old James Crawford until he (the witness) came to Castle Dawson, forty years

ago, "if it was that time." He was again examined for the Claimant to explain this inconsistency; "and being interrogated, how he can reconcile what he has now said, of his not having been acquainted with old James Crawford, till he, the deponent, came to settle at Castle Dawson, which, he has said, was about forty years since, with the former part of his deposition, in which he stated, that it is well on to fifty-four or fifty-five years since he was first acquainted with James Crawford, and that it is near to forty years since James Crawford's death,—*depones, that part of what is above deponed to is quite wrong, and that what the deponent says is, that it is upwards of forty years since the deponent was married.*"

Upon this evidence it is needless to indulge in remarks. It is evident that this old man wished to tell a story in favour of the Claimant, but went wrong; and the reader must be left to believe any part of the deposition he pleases, for it seems to be all equally entitled to credence.

An old woman of the name of Mary Fullerton was brought forward; but she showed so much reluctance to be put upon oath, and said, "that she could not swear to the truth of a paper to which she alluded," that the agent for the Claimant, on the suggestion of the commissioner, declined to examine her.

Mary Fullerton not examined.

William Johnstone, in Dallample, aged 76, proved the family of the Claimant; but as to old James Crawford, he said very little. He, however, depones, "that he had seen and conversed with him, and that it is a long time since old James Crawford died. That the deponent does not precisely recollect the time, but it cannot be less than fifty or sixty years; and that said James Crawford could not be less than 60 or 70 years old when the deponent first knew him, and that he lived about six or eight years after the deponent became acquainted with him." This witness being examined on the part of the objector, and interrogated, "how long ago it is since he first heard the claim on the part of John Crawford to the estate and peerage in Scotland,—depones, that he cannot precisely recollect; that the people in the neighbourhood had been talking about it for two or three years, but *that nothing was said to the deponent particularly on the subject, till Crawford Fullerton came*

William Johnstone.

to the deponent's house to speak about it, and that this, he believes, was about the month of November last ; and being desired to state what it was that Crawford Fullerton told him on this occasion,—depones, that he told the deponent that John Crawford, the son of Robert, was looking for the estate in Scotland, and was the nearest heir to it, and so forth ; and further depones, that when he was acquainted with old James Crawford in Broagh, he had not heard of his being the brother of the Viscount of Garnock.”

Several other old people were examined on the part of the Claimant. Some of them said nothing at all about James Crawford's having said he was from Scotland, or from the family of Kilbirnie ; but they all proved the Claimant to be the descendant of that person.

Joshua
Dale.

Joshua Dale, aged 59 years, depones, “that he knew James Crawford in Broagh, who was the Claimant's grandfather, and died in the deponent's house ; depones, that said James Crawford, at least 150 times, and both on his deathbed and at other periods, told the deponent that he came from the family of Kilbirnie, in Scotland, and that there was no righteous heir to that family other than his progeny.” This witness adds, “that it is forty-five years, to the best of the deponent's recollection—and he is certain it is at least forty-five years—since James Crawford in Broagh died in the deponent's house ; and the deponent was then a boy at school. That James Crawford, shortly before his death, informed the deponent that he was 75 or 76 years of age.” Here we have this witness swearing, that before he was 14 years of age, old James Crawford had at least told him 150 times his family history, and had said that there “*was no righteous heir to the family of Kilbirnie other than his progeny ;*” and that at a time when there was no appearance of a failure in the succession in the family of Kilbirnie. At the period when these conversations are said to have taken place, (about 1760,) George, Earl Crawford, was in the prime of life ; was only a few years married ; had two children borne to him, and the natural prospect of a numerous family. There is, however, one part of Joshua Dale's evidence which goes directly to annihilate the Claimant's case ; for the witness makes him out to be the descendant of a younger son, and that Billy Crawford should be the righteous heir. He depones,

Joshua
Dale proves
Billy Crawford
to be

“ that James Crawford was married to Mary *Jamieson*, the deponent's grandmother ; that the *eldest son of James Crawford was named Andrew*, who died without issue ; that *John was the second son*, as the deponent's grandfather and grandmother told him ; that *Hugh was the third son* of James, and was married to Margaret Peden ; that James Crawford also had a son named Henry, who was drowned in Loughbay, on the Creagh farm. Depones, that Hugh had a large family of children, the eldest of whom was James ; that Robert was the second son of Hugh, and John was the youngest ; that Robert, the son of Hugh, was married to a woman of the name of Booth ; and John, the present claimant, is the eldest son of this marriage. Being interrogated for the objector, depones, that he was before examined about this business, and made an affidavit, which was carried to Scotland by the deponent himself, and was delivered to Mr James Ferguson, advocate. Depones, that he is well acquainted with *Billy Crawford in Cushenny*, who was the only son of *John Crawford*, who was the son of the above *James Crawford* in Broagh. Depones, that John Crawford was married to Abigail Clark, by Mr Wallace, Presbyterian minister at Castle Dawson ; and Billy Crawford is now 73 years old, as he has told the deponent.” The difficulty of this proved *primogeniture* of Billy was afterwards attempted to be removed by one of the forged documents, which was made to express the age and descent of the parties named therein. By this forgery, Hugh, the Claimant's grandfather, was mentioned as the *second son of James*, instead of his being the third, as sworn to by this witness.

This was the whole evidence adduced by the Claimant under the commission ; and it certainly must be obvious, that if he could adduce nothing else, he held out little encouragement to his legal friends to continue their exertions with the view of making out a case for their noble client.

We will now shortly advert to the evidence adduced on the part of Lady Mary Lindsay Crawford before the commissioner at Castle Dawson.

The first witness was Michael Bunton, residenter in Castle Dawson, aged 83, who depones, “ that he was born in the village or

“ the right-
eous heir,”
and not
the Claim-
ant.

Proof for
Lady Mary
Lindsay
Crawford
at Castle
Dawson.
Michael
Bunton.

town of Castle Dawson, and has resided there all his lifetime ; that he knew James Crawford in Broagh, now deceased, who was married to Mary Jamieson, and that the said James Crawford lived in Broagh during the whole of the deponent's acquaintance with him. Depones, that James Crawford was tenant of the Lint Park and Black Park, which were parts of the Creagh farm, held under the family of Dawson of Castle Dawson ; depones, that James Crawford was employed to watch over the fishings *belonging to the family ; and the deponent never knew him to have any other employment under the family of Castle Dawson ;* depones, that he knew the father of James Crawford, whose name also was James, and that he lived in a house in the way leading to Broagh ; depones, that he is acquainted with John Crawford, the present Claimant, and *that he is a descendant of James Crawford in Broagh, above deponed to.* Interrogated on the part of the Claimant, depones, that he was well acquainted with James Crawford, above mentioned, and that he had a son whose name was James, as already deponed to, and that it was the father of James Crawford with whom the deponent was acquainted, and whose son was married to Mary Jamieson ; but the deponent was also acquainted with James Crawford, the son, though he was better acquainted with the father. Interrogated, which of the James Crawfords above mentioned it was that was married to Mary Jamieson, *depones, that he cannot say which of them it was, but he has heard that there was a marriage among them ;* depones, that he was a boy of seven or eight years old when he was first acquainted with James Crawford, and that James Crawford was settled at Castle Dawson before the deponent was born ; and was much older than the deponent. All which is truth, as he shall answer to God. And being further interrogated, whether he is perfectly certain that James was the name of both of the Crawfords above mentioned, *depones, that he cannot be certain of this, which is also truth ; depones, that he cannot write."*

John Spots-
wood, Esq.

The next person who was examined, was John Spotswood, Esq. of Castle Dawson, who depones, " that he has been agent on the estate of Castle Dawson since the year 1776, and acted along with his father in that capacity for the first ten years of this period, being

from 1776 to 1786, when his father died ; and depones, that his father was agent or factor on the Castle Dawson estate *from 1763 downwards*, till the day of his death. That *Mr Graves was agent on the estate before the deponent's father, as he has heard, and the deponent understands that there was a land-steward of the name of Pew, and another of the name of M'Greogh, on the Castle Dawson estate before the deponent's father acted as agent.* Interrogated if he knows of a James Crawford having been a factor or land-steward on the Castle Dawson estate, depones *that he does not, but that this might or might not be the case, though the deponent never heard of it ;* but he has heard of a James Crawford who resided in Broagh. Depones and exhibits a lease, titled on the back, "James Crawford's lease for lives," dated 18th October, 1727, lessee 50—to John Graves, 17—Henry Crawford, 15—rent per annum, L.7, 12s. 3d.—fine, L.3, 10s. ; and which is returned to the deponent as he declines to produce it, or allow it to be marked or copied. The deed now deponed to being subscribed as follows, "Arthur Dawson," after which a seal is adhibited, and James Crawford's mark, followed also with a seal, and on the back the following marking : "Witnesses present, Joshua Dawson and John Shaw ;" and which *deed bears to be an indenture between Arthur Dawson of the city of Dublin, Esq. of the one part, and James Crawford, in the manor of Castle Dawson, and county of Londonderry, yeoman, of the other part ;* and which also bears that it is granted unto the said James Crawford, and his assignees, for and during the natural life and lives of the said James Crawford the lessee, aged about 50 years ; John Graves, son of Samuel Graves of Castle Dawson, aged about 17 years ; and Henry Crawford, son of the said James Crawford, aged about 15 years ; and by which the said Arthur Dawson demises all that part, being the one half, of the park called by the name of the Lint Park, which is said in the lease to contain 21 acres and three roods English statute measure, situated in the manor of Castle Dawson. Depones and produces a receipt, dated 9th July, 1740, which is marked on the back as given by the deponent to Mr Murdoch. *Depones, that until the present question commenced, he never heard of a brother of Lord Garnock having come to this country, and taken a charge of Castle Dawson, nor does he know*

that he ever heard of Lord Garnock before. Interrogated for the Claimant, whether, while Pew or M'Greogh acted as land-steward at Castle Dawson, there was any other person agent on the estate, *depones, that he rather supposes there was not.*"

The only other witnesses examined were the rectors of Ballyscullan and Magherafelt, and one of the elders of the latter congregation; the object of whose evidence was, to show that there were no registers of the family of Crawfurds at Castle Dawson, from which any thing could be drawn in favour of the Claimant's story as to the alleged status and respectability of his ancestors: and thus the commission ended. The Claimant had so completely failed in all his allegations, that Mr Lang, with that honourable feeling for which he was distinguished, gave up the case, and would have nothing more to do with the Claimant or his cause.

The proof for the Claimant fails, and Mr Lang gives up the case.

Claimant's remarks on this failure.

Sketch, p. 9.

It is curious now to observe what has been said by, and for, the Claimant, on the failure of this commission. In the "Sketch" published by the Claimant himself, he says, "The parties accordingly met at Ayr on the day appointed, and a few witnesses were examined, but with seemingly little advantage to my cause; for, as I have previously hinted, family acquaintance and connexion were such, that the depositions of those who were examined, proved very different from their former declarations and information at different times to myself;" and with regard to the proof taken in Ireland, he says, "On the 11th of May accordingly they arrived at Castle Dawson, and on the 12th, proceeded to lead the proof; but here also it partly failed. The witnesses were called *upon rather prematurely, before the necessary enquiries* had been made upon the subject, as was afterwards found out. *Through stupidity and other causes*, for which I am unable to account, the witnesses which were examined, disagreed considerably in their different *depositions, so that little credit could be given them.*"

Ibid. p. 10.

Second case, p. 51.

In the Case of 1824, it is said, when speaking of this commission, "at the same time that *this scene of bribery and violence was carried on in Scotland, an identical game was successfully played in Ireland.*"

"Crawfurd Peerage," p. 95.

In the "Crawfurd Peerage" the same accusations are made, and the following paragraph is worthy of perusal. "On the 11th May

accordingly, they arrived at Castle Dawson, the place of Mr Crawford's nativity, and on the 12th, proceeded to lead the proof without the presence of their client, he having occasion to go to Dunggannon the day before, and was to return the next, but on his arrival, found the village of Castle Dawson all in a bustle, and the investigation going on. Different parties were called as witnesses, but being rather prematurely brought forward to give evidence, before they had been properly sifted and *drilled*, (a most frightening term indeed, which will be explained hereafter,) previous to their examination, in consequence, nothing material was done towards the interest of Mr Crawford. Through national stupidity, or other causes, for which we are not able to account, the witnesses which were examined disagreed considerably, to our very great astonishment, in their different depositions, so that little credit could be given to them ; indeed, Mr Crawford had no counsel to act on his part, which certainly must have been greatly against him."

The reader cannot have failed to observe, that the Claimant was never present at any of the examinations of witnesses before the commissioner. In quest of an earldom, and a great estate, and while a most respectable commissioner was sitting for the purpose of examining his witnesses, the Claimant turned his back on the proceedings, and did not attend either at Ayr or Castle Dawson. What construction can be put on this conduct, but that the Claimant was conscious of the approaching failure of the investigation ?

Mr Lang having abandoned the Claimant's case, it became necessary for him to provide himself with another agent, and he was advised to apply to Mr Andrew Steele, W.S., a man of respectable private and professional character, and attentive to business. As a proof of Mr Steele's candour in the outset of his management, we insert the following letter, which he sent to the Claimant immediately after perusing the papers which had been laid before him. This is an act of justice to Mr Steele ; for, while the Claimant has been forward in publishing other letters of this gentleman, and has not been sparing in abuse of Mr Steele, he has carefully withheld the letter now to be perused :—

Mr And.
Steele ap-
pointed
agent for
the Claim-
ant.

“Edinburgh, 26th May, 1810.

“J. L. CRAWFURD, Esq.

Mr Steele's
Letter exam-
ining the
proof, and
suggesting
a search for
written
evidence.

“SIR,—I have read all your papers; and what occurs to me is this, if you have no stronger proof in Ireland that James Crawford, your ancestor, was a connexion of the noble family of Lord Crawford, there is not the least chance of a jury serving you heir to that noble family. It appears clear, that if James Crawford was proud of being connected with that family, and boasted of it, as your witnesses say, that he would have preserved some writings or documents of this connexion. Even his brother's letters would be of importance, if Lord Crawford was his brother, and it is said they corresponded together.

“But let any of James Crawford's own handwriting be produced, and if he was a man of education, such must be to be found; for a jury would consider them as indispensable, in such a case as this.

“These will show whether he was a gentleman of education or not, which seems extremely doubtful from the present proof, as the only two persons to whom he divulged his secrets, appear from it to be associates of so mean a description, that they can neither read nor write.

“As James Crawford is represented as a land-steward to Baron Dawson, it must be easy to recover some of his books, accounts, or receipts; and possibly some of the writings known to be of James, Lord Crawford's son, while he remained in Scotland, may be got to compare them with. But at any rate, I hold it clear, that if James in Ireland was educated till manhood as the lawful son of a nobleman, some of his writings must necessarily exist. 'Tis by the handwriting of this James that the claim can be supported. When these writings are produced, it will at once be seen whether he had the education of such a gentleman as he is represented to be, or was only a country servant, fit to associate, during a long life, with people that can neither read nor write. Surely if James Crawford was a nobleman's son, some persons in the neighbourhood, of rank and education, would recognise the gentlemanlike manners of the admired lover of Lady Susan Kennedy, let him conceal his family.

never so much. But why was he so foolish as keep the name of Crawford at all, if he fled his own country for a base crime?

"I speak plain, but the proof taken in Ireland that you have presented to me, appears, if not unfavourable, at least very lame.

(Signed) "A. STEELE.

"P.S.—I have not seen Mr Lang, your agent, who may perhaps throw some other light upon the subject, that may alter my opinion in some measure."

Had Mr Steele foreseen the evil to arise from his writing this spirited and proper letter, he would have paused, as he dispatched it, and committed it to the chimney of his writing-room. In his anxiety to state his opinion of the Claimant's proof, he directed the attention of his client not only to its failure, but to the only manner in which he could expect to make out his case with any certainty: this was by connecting James Crawford of Castle Dawson with the Kilbirnie family by written evidence, and particularly by letters of correspondence between him and his brother Lord Garnock. As from the lease exhibited by Captain Spotswood, it appeared that James Crawford of Broagh could only sign by his mark, and as this James Crawford was the person sworn to as the ancestor of the Claimant, no one could for a moment suppose that he was the Honourable James Crawford of Kilbirnie. It was therefore necessary to dispose of this lease, as well as to produce the other writings which Mr Steele showed would be considered necessary for proving the Claimant's case. As all this labour and research could not be overtaken by one person, it became necessary for the Claimant to have assistants, and these he found no difficulty in procuring. This leads us to introduce William Fanning and James Bradley, two individuals whose names have been sufficiently conspicuous in the Claimant's case.

Remarks
on Mr
Steele's
letter.

William
Fanning
and James
Bradley
brought on
the field.

According to the statement of the Claimant in his original "Sketch," he was not personally acquainted with James Bradley until after the commission of May 1810. He says, "that immediately after the commissioner left Ireland, he returned to Scotland,

Sketch,
p. 11.

with a view of learning the result of the late proceedings," and as it is expressed in his own words, "on the 14th of May I arrived in Ayr. On my arrival there, I found a general rumour circulated, through the means of my opponent's agent, that I had completely failed in establishing my propinquity to the Crawford family; chiefly, it was said, by the discovery of an old lease found in the hands of Mr Spotswood. From this lease, it was said to appear that my ancestor was more than twenty years older than James Crawford, the second son of the first Viscount of Garnock, to whom I was improperly wishing to connect myself. On hearing this, I thought it prudent immediately to return to Ireland, and to wait upon Mr Spotswood, for the purpose of making a few enquiries concerning the lease which it was said would prove so fatal to my claim. It was at this period I first got acquainted with James Bradley. He had been for some time clerk to Mr Robert Forsyth, late cotton manufacturer in Castle Dawson, and after leaving his service, became schoolmaster in that town. I had previously contracted some acquaintance with Crawford Fullerton, who at this time introduced me to Bradley. This introduction was the more agreeable, as he had been very active in my behalf at the time of taking the proof at Castle Dawson, and my agent had said in reference to that activity, that 'if I had got acquainted with that young man sooner, it would have been better for me.'"

Bradley's
judicial
account of
his ac-
quaintance
with the
Claimant.

It appears that Bradley had found it necessary to employ William Fanning, who was a clerk or writer at Kilrea, in the county of Derry. The Claimant knew and approved of the employment of Fanning, and had repeated interviews and correspondence with him. It is as well here that we give Bradley's own account of this matter. In his judicial declaration¹ before the Sheriff of Edinburgh, he says that "the declarant first knew John Lindsay Crawford, who is presently laying claim to the title and estate of Crawford, in the year 1809. That the declarant, having reason to believe that he was the real heir, was disposed to do him any service in his power. That the declarant, being acquainted with Crawford Fullerton, residing

¹ In the records of the Justiciary-office, Edinburgh.

at Castle Dawson, who was acting as agent in recovering evidence and making enquiries relative to the said John Crawford's claim, was led to take some concern in the business, shortly previous to the proof which was taken in May 1810, but at this time the declarant knew very little of the business, and acted more as a friend than an agent to the party. Declares that the declarant saw the said John Lindsay Crawford at Castle Dawson before the said proof was commenced, and was also with him for a few days immediately after it was concluded. That very shortly after this Crawford returned to Scotland. Declares that on these occasions nothing past betwixt the declarant and Crawford as to the vitiation or forgery of any documents. Declares that after Crawford's return to Scotland, he wrote the declarant a letter, dated Ayr, 12th June, 1810, *wherein he mentions that it would be desirable to have it proved that James Crawford, who subscribed a lease by a mark, which had been produced in the course of the commission, should be proved to be James of Creagh, and not James of Brough.*" Bradley then identified this letter of the Claimant's, of which the following is a copy, being taken from the original in the Justiciary-office :—

“ Ayr, 12th June, 1810.

“ DEAR SIR,

“ This morning I received a letter from Crawford Fullerton, bearing date the 8th instant, informing me of some evil designs against me from an unexpected quarter. I have just to say, that all you have mentioned was related here by my enemies, (I mean old William C. and his party.) If such a thing was on foot near Dungan-non, I therefore wonder Mr Crachan did not write me word, as he ought to have a better opportunity of hearing these things than you.

The Claim-
ant's first
letter to
Bradley.

“ As I wrote some very particular things to Crawford on the 6th current, and also Mr Shiel on the 9th do., requesting some essential services from that gentleman, which I have no doubt but you are acquainted with by this time, consequently these last two letters *left me without such matter as could be shown to any other person, therefore I took the liberty of addressing this to you.*

“In respect of this new evidence you are likely to procure, I think it would be of essential service, for withstanding that Mr Wood has made of very strong evidence at Kilbirnie, which Lang, although an enemy, says is of the utmost importance. But notwithstanding all this, all we can procure is the better, for my opposition is such that we cannot have too much evidence. In consequence of present circumstances, I find myself necessitated to go to Ireland as soon as possible ; and therefore you may have as much done on this subject as you possibly can.

“You make mention of being at a loss to know how long Lord Patrick was in possession. John, the first Viscount Garnock, his father, and my great-great-grandfather, died in the year 1708, consequently Lord Patrick had the estates from that to the year 1735, which was the year Lord Patrick died. Then George, Lord Patrick’s son and heir, fell in, (Lady Mary’s father,) and after him, George, Lord Lindsay, his son, the late deceased earl.

“It is said here that James came to this country in 1734, the year before Lord Patrick died ; and that he should have got something from him as his patrimony, and never returned again. *Now if any person could be found in or near Castle Dawson making mention of James talking about his brother, and Charles being drowned,—with calamities of the family ; also that his elder brother John, who was a clerk to the admission of notierys in Edinburgh, and died on the same year of his brother Patrick, —, 1735. These things you may look over, and turn into the best use you can. However, I hope soon to see you ; but, my dear friend, do all in your power for my present interest, and you shall be remembered another day. As to make you a complete copy of an affidavit, is what I cannot take upon me to do at present ; but do you what you can, and in the meantime, I am, dear sir, your much obliged, and very humble servant,*

(Signed) “ J. L. CRAWFURD.

“ *Drill this new deponent as well as possible, and as I mean to be there soon, we will consider how they will be taken, either before a notary public or Mr Shiel. I hope you will make out the tack clerer,*

and have it proved that it was James of Creagh, and not James of Broagh."

In pursuance of the intention expressed in this letter, the Claimant went to Ireland, where he resided several weeks. He accompanied Bradley to Captain Spotswood's, where they examined the lease, which was in his possession ; but, as Bradley expresses it, "nothing favourable to the Claimant could be drawn from it." Bradley adds that, "some days afterwards, the said J. L. Crawford came to the declarant, and in course of conversation, mentioned to the declarant the circumstances of the case of Drumockreen, as the declarant thinks he called it, being a case tried in Scotland, and where *Crawford* said, *that there had been letters of correspondence forged, but so ill executed as to be detected.* That Crawford said, that if any thing could be found in his favour, it might make a great work ; and by what Crawford so said, the declarant understood that he had in view the forging of some writings ; and he said, *that there would be no sin in it, as he was certainly the heir, though he could not make it out through the defect of his proof.*"

instructions
to Brad-
ley to
"make out
the tack
clerer."

Soon after the above interview, the Claimant returned to Scotland, and Bradley was left to search for papers and witnesses, and to do what he could to further the Claimant's views.

Bradley
communi-
cates his
proceed-
ings to the
Claimant.

Soon after the Claimant's return to Scotland, Bradley wrote him of his motions, and making enquiries after several particulars of his story. The following is a copy of the Claimant's answer to him, which shows that the attention of the Claimant was still directed to *the drilling* of the Irish witnesses.

"Ayr, 5th August, 1810.

"DEAR SIR,

"This morning I have been favoured with yours of the first current, the contents of which greatly surprise me. I went by Learn, and was detained waiting for passage six days, and was twenty-four hours on the water, and landed at Irvine, twelve miles from Ayr. I wrote to Lang next day, but received no answer as yet ; nor do I think he means to pay any attention to my business, until I bring him some more money, or send some proper person to him. I have had a letter a few days back from Kilbirnie ; they are all crying out for

The Claim-
ant's letter
in answer.

the commissioner to take the numerous proofs there ; also a few days before I arrived, there were sent a few nice presents to Mrs Crawford, in particular, two nice cheeses, and other things. She was to go and visit them this week, but cannot, as she is much indisposed with a very severe cold and sore throat. As to old Billy's brigade you need scarce mention them ; let them come with their five guineas each, and see what it will do for the set of fools. They were here before, and what did they do ? And you well know what they can do in the manner that things stand ; and *as to Josh—, I think you must be aware how you act with him, for depend upon it he cannot be trusted, for deceit of the blackest sort lies at the bottom with him, for old Billy is their aim.*

Claimant's
opinion of
old Joshua
Dale.

“ Lord Boyle you make mention of is the Earl of Glasgow ; he is commonly called Lord Boyle of Kellburn. I think it was his grandfather, or great-grandfather, that was married on a sister of Lord John, the first Viscount Garnock, and was ancestor by the female side to the present Earl of Glasgow. The other sister of Lord John was married to the ancestor of the present Duke of Montrose.

“ This Countess of Eglinton, whom you allude to, was a Lady Susanna Kennedy, only daughter to the Earl of Cassilis ; and the one whom Kerr the town-officer alluded to, when she would have him go over to Ireland, with a letter to a Mr Crawford. *If you can find it safe, you might discourse Josse concerning his mother going over to Scotland at certain times, as one or two at Kilbirnie says they remember seeing one whom they understood was James' daughter ; they called her Margaret ; she was seen only a few days.*” (Note—the letter here torn away.)

Old Josse
to be drill-
ed.

“ A few days ago I wrote a long letter to Lady Mary, giving her a full sketch of all things, and how I stood in respect of the tack, with a full explanation of the two James Crawfurds, also a list of my numerous witnesses that is to be taken, both in Scotland and Ireland, showing the absurdity of throwing out money to extravagance on men of business, which I now learn she is very averse to. The tune of all people is now changed greatly, but are wishing to see the affairs of Ireland finally settled by commission.”

The circumstance of the commission having been executed at

Castle Dawson necessarily made the matter publicly talked of, and it was well known that Bradley had been employed by the Claimant in his affairs. After the Claimant returned to Scotland, as above mentioned, James Linch, residing at Castle Dawson, who had been a servant in the family then inhabiting Castle Dawson house, informed Bradley where some old account-books of the family were lying, and to these they got access. These account-books contained the transactions of the former steward to the family of Castle Dawson, and Bradley promptly conceived the idea of introducing entries into these books, making mention of James Crawford. Accordingly he wrote to the Claimant that he had found books containing such entries, and that these would prove highly favourable to the Claimant's case. This was done with the view of raising the expectation of the Claimant's friends in Scotland. About this time Bradley called upon William Fanning, with whom he had been previously acquainted, and who was then residing near Kilrea; this person Bradley considered a likely instrument to assist him in his contemplated forgeries. He showed Fanning the Castle Dawson account-books, with the entries made therein; but Fanning said they were so ill executed that they would not pass, and he volunteered to do them in such a way that they could not be discovered; but this, he said, would prove very expensive.

Account-books found at Castle Dawson.

Bradley's contemplated forgeries in these books.

Fanning afterwards told Bradley that nothing could be done until he got a copy of the Claimant's proof, and until all the old writings which it was possible to collect, were put into his hands. For this purpose it was agreed that Bradley should go to Scotland and recover these papers. Bradley accordingly went to Scotland, where he joined the Claimant, who accompanied him to Edinburgh, where they got a copy of the Claimant's proof, and other papers. On their way west, they stopt at Kilbirnie, and afterwards proceeded to Giffordland, in the parish of Dalry, where they got access to the family papers of Mr Blair, one of whose ancestors had been factor on the estate of Kilbirnie; here they found a number of old papers which related to Mr David Blair's transactions with the Kilbirnie estate, and some original letters from Lord Crawford to David Blair. These letters and papers were all given to Bradley to be

Bradley goes to Scotland to get old writings.

Gets papers at Giffordland,

and L.30
from
Claimant.

Two leases
to be forged
—their ob-
ject.

Bradley
returns to
Ireland,

and the
forgeries
are com-
menced.

carried to Ireland, that Fanning might make such alterations upon them as they should see beneficial for the Claimant's purposes. At this time the Claimant gave Bradley L.30 to defray the expenses incurred by him and Fanning in the prosecution of their work. One of the first forgeries contemplated was that of two leases, which Fanning agreed to undertake. The one of these leases was meant to explain away the circumstance of James Crawford's having subscribed by a mark, as adhibited to the lease produced under the commission; and this was to be done by making it appear on the new lease that there were two James Crawfords at Castle Dawson, and that the one who had signed by a mark, had afterwards transferred his right to the lease to another James Crawford, who was to be held out to be the Claimant's ancestor. This transfer is said to be dated in 1735. Our readers will recollect that it has been proved, that in the end of 1734, the Honourable James Crawford was in Scotland, living openly with his relations; and among other proofs of this, was witness to the subscription of a charter by the Earl of Glasgow at Kelburn, on 6th November that year. This is altogether inconsistent with the idea of his living in Ireland at the period of the alleged transfer. The object of the other case was to oust Billy Crawford, who was also a claimant, by making it appear that the ancestor of John Lindsay Crawford was an older brother than that of Billy, contrary to the testimony of Joshua Dale, (*old Josse*, as the Claimant familiarly calls him in his letter to Bradley before quoted.) With these explanations and instructions, Bradley returned to Ireland, and lost no time in having an interview with Fanning, who, having examined the old letters found at Giffordland, expressed himself satisfied that he would be able to do something with them. Before commencing operations, Fanning informed Bradley, that he had recently seen in the Belfast Commercial Chronicle a receipt for taking out ink from paper, which he thought would be of great use; and a copy of the paper having been got, Crawford Fullerton was dispatched for the liquid therein described: on receiving which, Fanning commenced his operations; but these at first did not succeed, and he destroyed several of the old writings in practising upon them. Having at length succeeded better, the letters were altered

and made to suit the theory of the Claimant, by showing that the Honourable James Crawford resided at Castle Dawson, and was holding intercourse with some of the members of the Kilbirnie family. This was done with great ingenuity, as will afterwards be seen when the documents are examined at length. The seals on the envelopes of Lord Crawford's letters, were taken from those which were not to be used, and affixed to such of the letters as were to be founded on. This was done in order to give these altered and vitiated letters a greater air of genuineness. While Fanning and Bradley were at work in Ireland, the Claimant was not inactive in Scotland. It was of great consequence for him to procure the genuine subscription of the Honourable James Crawford, as from it alone could his signature be imitated, and adhibited to the leases to be forged. About this time certain old papers were discovered in a box in Robert Riddet's in Kilbirnie, which box had come from the House of Kilbirnie, and had been laid aside, as containing things of no value. Among these there were some papers containing the genuine subscription of James Crawford, and others containing incidental notices of him. The Claimant wrote to Bradley, after having got these documents, that the best way of bringing out the new writings in Ireland, would be to send over William Montgomery from Kilbirnie with the papers found there, and make him bring back the new writings as genuine documents. As this is better developed in the Claimant's own letter, the reader is requested to peruse the following important communication.

The Claimant's procedure in Scotland.

Discovers the real signature of James Crawford.

His letter to Bradley on this discovery.

" Ayr, 5th November, 1810.

" DEAR SIR,

" This instant I was favoured with your letter of the 31st ult., and that same day I wrote you and Mr Fanning. I am much surprised to hear of your loosening your notes, and has since put a damp to my spirits, fearing that things may be more serious than you mention, as you had all your documents and papers of every kind put up in one budget.

" I was this morning with Mr Eaton, and he will this day search his office for any marriage settlement may be recorded in his office,

as it is the general office of the shire, and where all copies of all transactions of that nature are kept. He told me he was waiting with patience for your letter, which I told him he might expect daily. As to myself going over I cannot say any thing, as I would rather go over myself; however, if I don't go myself, I will send William Montgomery with the papers, and your demand of cash, which I hope to procure in a day or two; but that's a hard matter to make out at present.

“ I am of opinion your brief will have to be made over again on account of some documents of late found. In the meantime, if I don't go over myself, I will furnish you with every thing in its due course, as far as in my power. I think you need not go to meet any one that will go over, as they intend going to Castle Dawson, and it appears to me and a certain friend, *that for me to send William Montgomery will make our business more obvious, and possessing true simplicity, which would greatly stimulate both the Ayr and Kilbirnie folks; but at the same time you would require to act with great art and prudence while Mr Montgomery would be with you, which would be only a day or two, also keep him from seeing any of that wretched set* (except Crawford), which you inform me is annoying and pestering you; but if I chance to go over I shall teach them other things, and I charge you not to put one shilling to any use whatever, *but what's really forwarding the business*; for money now is hard to be got. I suppose I shall seriously expect another letter from you or I write, until I either go or send Mr M. with the money and documents. In the meantime, I am, sir, your obedient servant,

(Signed)

“ J. L. C.

“ Tell Richard Dobbin to bring over Jane if in his power; you will direct him how to enquire for us at Mrs M'Niel's. I will play the devil with that crew if they give you any more annoyance. Tell them to give you L.50 for my account. *I write on this paper to see how you would like it. I have nearly procured a quire of the same.* Kilbirnie seems to now cut up a grand crokey; they are willing now to almost do any thing that would favour my business.

I think if we take care we cannot fail ; Wood is a great scoundrel, but he is all in the dark. I wish you had not spoke to him at all.

“ To Mr James Bradley, Castle Dawson, Magherafelt, Ireland.”

One clause in the foregoing letter is worthy of particular notice. The writer says,—“ *I write on this paper to see how you would like it. I have nearly procured a quire of the same.*” What can this mean, but that the Claimant had discovered some very old writing paper, in the places where the other documents were lying, and upon which he wished Bradley to write his forgeries? It is also worthy of notice, that the person whom he calls a *great scoundrel*, is the weaver in Ayr who has been formerly noticed, and who has been duped by the Claimant to make the false narrative which appears in the “Crawfurd Peerage,” a perusal of which will enable the reader to judge how far the Claimant is mistaken when he has bestowed the epithet of *scoundrel* upon him.

William Montgomery, having arrived in Ireland, delivered the Claimant's letter to Bradley, who communicated the same to Fanning, and he lost no time in adhibiting the subscription of James Crawfurd to the leases ; and as Montgomery's errand was to receive writings, he was prepared to acquiesce in the genuineness of the subscriptions which were exhibited to him. The leases were written out previous to Montgomery's arrival, and all the subscriptions adhibited thereto, except that of “James Crawfurd,” which was done by Fanning after his arrival. Bradley put only one signature to the lease, which was that of Thomas Graves. Montgomery returned to Scotland, bringing with him the pleasing intelligence that every thing was going on right, and that he had seen “grand papers,” which would soon make the Claimant Lord Crawfurd.

William
Montgo-
mery's visit
to Ireland.

Bradley, having resolved to visit Scotland again, arrived in Ayr in January 1811, where he met the Claimant. It was necessary that the letters of correspondence which had been now made out to establish the residence of the Honourable James Crawfurd in Ireland, should be replaced in Giffordland, that they might be given out as originals by the persons resident there ; but access was denied, and they could not get this part of their scheme accomplished.

Bradley's
second visit
to Scot-
land.



Papers
found at
Todhills.

On this second visit certain papers were discovered in the possession of James Smith at Todhills, in the parish of Dalry, and were put into Bradley's possession. Among the other writings, there was a letter from Lord Garnock to Robert Glasgow, his factor. In this Bradley afterwards inserted a passage, making mention of James Crawford having settled in Ireland. The operations of Bradley on the Todhill papers were done at Ayr, and it became a matter of some difficulty to get them replaced into the hands of James Smith, and again delivered by him as forming part of the original documents belonging to Robert Glasgow, who was Smith's maternal grandfather. Smith had in the meantime begun to suspect Bradley and the Claimant, and he refused to certify the papers as genuine. His father-in-law, Robert Kerr, who had not seen the papers before they were vitiated, and being ignorant of the vitiation, had not the same scruples as to certifying them; accordingly on this subject Kerr and Smith disagreed. This has given rise to a great deal of unnecessary discussion by the Claimant and his friends, and to a very improper attempt to vilify the character and conduct of Smith, altogether unwarranted by the circumstances.

The forgeries being completed, are carried to Edinburgh by Bradley, and given to Mr Steele.

The operations on the writings being thus completed, they were carried to Edinburgh by Bradley, and delivered to Mr Steele, for the purpose of being produced in the Claimant's service. The Claimant followed Bradley to Edinburgh in February 1811, and waited upon Mr Steele, and had repeated conversations with him about their effect. It appeared that the forgeries and vitiations were executed with so much skill and ingenuity, that Mr Steele did not even suspect them, and they were produced as genuine documents, and founded on by him for the Claimant, in the service then in dependence before the Sheriff of Edinburgh. This took place in July 1811.

The forgeries disclosed by Fanning, who writes to Lady Mary Lindsay Crawford.

In the meantime, as "murder will out," the secret of the forgeries could not remain longer concealed, and it is fortunate that it was so. The career of the Claimant and his associates was in consequence cut short. In April 1811, Fanning wrote to Lady Mary Lindsay Crawford, disclosing the secret, and expressing himself ready to come forward, and make a candid declaration of all he

knew about the forgeries. Having been referred by her ladyship to her men of business, he came to Edinburgh, and having been judicially examined, the plot was disclosed, the fraud laid open, and the public prosecutor lost no time in taking the usual steps for bringing all those concerned in this complicated piece of wickedness and crime, to the bar of the High Court of Justiciary. As Fanning had been the first informer, he was admitted as evidence for the crown; and Bradley seems to have had some idea that he was to be equally fortunate. He was, however, arraigned as the forger of the documents, and the Claimant as being accessory thereto, and as having uttered the same, knowing them to be forged.

Fanning admitted as evidence against Bradley and the Claimant, who are brought to trial.

We think it now proper to bring forward these forged documents in a more particular manner, and we will arrange them according to their true dates, without regard to the times and places when they were forged, or where the original documents were discovered, of which they are the fabricated and vitiated copies. That a correct notion may be formed of the art and skill displayed in these forgeries, the documents will be given entire, and the forged parts printed in Italics.

The first is a letter from Lord Garnock to his factor, Mr Robert Glasgow, and is one of the papers found at Todhills on the occasion of Bradley's second visit to Scotland, as has been before detailed. The document is almost all genuine. The part forged consists of four lines only. It is as follows:

“Edinburgh, March 23d, 1720.

“GOOD ROBT,

“Since Mr Crawford shifts going to the country to take away any papers yt belong to him, I earnestly desire you'd, at the sight of a justice of peace, as soon as possible, cause break open ye door of the closet where y^e lie, and take what is merely Mr Crawford's, and seal all up in a bag or pock before witnesses, and take the two bills of Brydys, and any other things that belong to me, and lay ym carefully by; take up ye bills, and see to get the payment of them, and whatever other money you can, for I'll stand in need of all you can raise; *as I must answer a bill to Colonel Dawson in Ireland, for*

my brother James yt has settled there ; and you'll see that the bearer, my house-keeper, gets all ye keys of the rooms and closets in ye house and office-houses of Kilbirny upon inventure, to keep all things distinct ; whatever she wants for ye use of ye house agt. time I come, y^e cause provide for her, such as malt, coals, &c. Remit me all ye money you can, and I'll grant receipt thereof; lett me know what you've done with ye men yt bot the wood, I heard they carryd unwilling to you, for which they will be made to smart by your friend, &c. (Signed) "GARNOCK."

Addressed "To Robt. Glasgow, Kilbirnie, Beith."

The forged part of this letter was executed at Ayr by Bradley, and shown to the Claimant, who approved of it. All that is to be noticed in this letter, is its absurdity. It makes Lord Garnock announce as a piece of news to his factor, that his brother James had settled in Ireland. If this had been the case, the fact would have been known to Mr Glasgow otherwise, or it would have been communicated to him in a different way. James Crawford, at this date, was only twenty years of age, and under curators. The date of this letter, too, shows that the celebrated duel must have been in 1719, at which period the fair object of it was the mother of a numerous family to her liege lord, Alexander, Earl of Eglinton !

Second
forged
document.

The second document was an entire forgery, and was done by Bradley. It is a letter purporting to be from the Honourable James Crawford himself to Mr Glasgow, the factor at Kilbirnie, and is as follows :—

"Castle Dawson, 11th November, 1721.

"GOOD SIR,

"I have made a draught on my br. Garnock, for L.20 Sterl., and fearing he might be from home, did not send the bill in his letter, but enclosed it in yours, that you might not detain the bearer waiting for his Lop's. acceptance, which he will not refuse ; so yt you may with safety remit me the money at sight, without advising him of my draught. I hope you'l not disappoint me, as I have to make a payment of L.40 before the 20th of this month, and would like to save my

credit. If my sister Margaret is returned to Kilbirnie, please give my love to her, and let her know that my wife has another son, and is quite recovered; that any thing she would have to send, may with safety be intrusted with the bearer, my servant, who I can confide in. I wish you would pay a small sum I owe to John Shedden, merchant in Beith; it is L.12 Scots, and this shall be your voucher for the same, and should it happen that ever I could serve you in this country, it will give great pleasure to,

“ Your humble servant,

(Signed) “ JAMES CRAWFURD.

“ Direct, in future, to Brough, under cover to Col. Dawson.”

Here we may remark the rapidity of the Honourable James Crawford's movements. He falls in love, fights, kills, and flees—he goes to Dublin, is removed to Castle Dawson, falls in love with Miss Jamieson, she of course falls in love with him, they marry, and she has first one son, and then another, and is “ quite recovered,” all within the space of twenty, or say twenty-four months!

The third document in point of date, is an excerpt from the account-book kept by Robert Glasgow, factor on the estates of Kilbirnie and Glengarnock, in which it is said there was an entry proving the remittance of a sum of money by the factor to Ireland, for behoof of Mr James Crawford. We give from this excerpt a genuine entry, and the forged one. The genuine one is as follows:

Third for-
ged docu-
ment.

“ By payment to Mr Hew Crawford, writer to the signet, by order and consent of the said Viscount, of sixty-four pounds eleven shillings and six pennies Scots, it being a bill of Mr Charles Crawford's, the said viscount's br., not before accounted in last discharge, by receipt, dated October 24th, 1724 . . . L.64 : 11 : 6”

The forged entry is as follows:—

“ By payment and remittance to Mr Arthur Dawson of Dublin, for the use and behoof of Mr James Crawford

in Ireland, the said viscount's brother, by order and consent foresaid, of three hundred pounds Scots, not being accounted for in last discharge, per said Mr James his own receipt, dated March 3d, 1725, inde . . . L.300 : 0 : 0"

A corresponding receipt under the hand of James Crawford for said sum in pounds sterling, was also founded on by the Claimant, and *this receipt was an entire forgery*. These forgeries were both executed by Bradley, and are quite evident when we attend to the date. The remittance is said to have been made to Ireland in 1725, and the factor's account docquetted in 1728. From the terms of the entry, the payment is said to have been with consent of the Viscount, and it is evident that James Crawford is held by the entry as being in Ireland still in 1728.

Now, we have in a previous part of this work proved, that in 1723 James Crawford was suing his brother, Viscount Garnock, in two capacities in the Court of Session—in his own right for payment of his own patrimony—and as a curator for his younger brothers and sisters, for payment of theirs. This is inconsistent with the idea of his being furth of Scotland at that time. And further, we have proved, by a letter from the Honourable David Crawford to Mrs M'Neil, that in 1727 James was in Edinburgh on a visit, and that David and he were introduced by Lady Bute to her brother, Lord Islay, and that they both waited on the Duke of Montrose, their kinsman. Yet this forged document makes James during this period a residenter at Castle Dawson, and the relative statements of the Claimant are, that he at this period durst not return to Scotland on account of his crimes.

Fourth forged document.

The fourth document is a letter from George, Viscount Garnock, then Earl Crawford, dated at London, 22d February, 1751, to his factor, Mr Blair. It is given entire. It will be seen that this forgery, which was done by Fanning, is very ingeniously managed, advantage being taken of the second page of the original, which was left blank by the writer, and upon it the forged part was written. The letter is as follows :—

“ DEAR SIR,

“ I received your two letters, and though I did not immediately answer, I made it my business to bring your desire about, and as I did not know Fehennam’s myself, desired Mr Crawford to write in my name to him. I hope it will be brought about *to your entire satisfaction* ; you may cut down those trees you spoke of, though it goes to my heart to be so cruel to my trees so near the house. I shall write to Mr C——d to send you some fruit-trees from Edr., and you may, in the meantime, warn the tenants away, and when the spring comes on, survey the ground, disposing the mealins in a proper way. Don’t forget to have the avenue trenched, and the steeple of the old tower repaired ; as to the rest, I shall be satisfied with a good stock of greens and pease in the kitchen-garden. *I am sorry to inform you, my uncle James Crawford is rather troublesome ; he has wrote to me from Castle Dawson for more money, although you know I made him several remittances since his patrimony was spent, exclusive of the many bills I had to pay by his frequent visits from Ireland to Scotland heretofore, being obliged to deny him, will not answer his letter this time. I request you to write him, pointing out the incumbrances I labour under ; put him off as long as you can, and stop his son Hew from coming to Kilbirnie in future, his manners offend me ; manage what I wrote you in my last as well as you can, and put down the seeds in the garden as soon as the season will permit also.*

“ Mr Koop will send down some garden seeds, and you, in the meantime, may order every thing as well as possible, without keeping too many men at work, or being at great expense. Shall write you in a post or two what my Lord Eglinton says concerning your affair. I am in the meantime, offering my service to all your family, and likewise to Mr Brown and his consort,

“ Your most obedient servant,

(Signed)

“ CRAWFURD.

“ February 22d, 1751, London.

Addressed “ To David Blair of Giffordland, near Beith.”

Here it may suffice to remark, that the Honourable James Craw-

furd was dead six years before this letter was written. The forger has been rather off his guard upon this occasion; and when he makes Lord Crawford say that the patrimony of his uncle James was spent, the reader will see that he has been writing on doubtful matter, for James Crawford's patrimony was not all spent when he died. The remainder of it was adjudged by Lord Shewalton, as the judicial proceedings formerly quoted sufficiently prove.

P. 27.
P. 253.

In the "Case of 1824," and in the "Crawford Peerage," this letter is most unfairly given. The forged part is given *as the whole of the letter*, and the "domestic hint" about sowing the pease, is lauded as a convincing proof of the genuineness of the letter. It is said to be "too artless for art, and therefore inimitable." We do not pretend to know the mysteries of the art of forgery, but it appears to us, that if a person were to set about forging a letter from a nobleman to his factor, the first thing he would hit on, would be some little domestic circumstance, which might give the forgery an air of simplicity and reality. Be this as it may, however, the inimitable artlessness of the expression about the pease loses its charm, when we see in the genuine part of the letter, as now given, several directions about cutting trees, trenching the avenue, and having a "good stock of greens and pease in the kitchen-garden," the evident source from which the forger took his invaluable domestic hint.

Fifth for-
ged docu-
ment.

The fifth letter is an entire forgery. It purports to be a letter from the Honourable James Crawford to Mr Blair, and is of the following tenor:—

"Castle Dawson, 24th December, 1751.

"DR. DAVID,

"I expected to have seen Kilbirnie this last season, but from the multiplicity of business carried on by the Honourable Baron Dawson, I was prevented; and from what you told me in a former letter, my son Hew shall never go there again, nor any other of my family. I see my nephew, Lord Crawford, has begun to forget me; I wrote him for L.50, but he has not yet answered my letter, though I told over my necessities to him—my health on the decline, and the many private vexations yt I labour under in a strange land. I depend on, as usual,

that you'll intercede for me, and represent my situation to him, and perhaps he may find me L.50, which is the last I shall ever ask. He often served me from his own private purse, as well as by you, and I am ever thankful; and as his debts are surely well nigh payd, except my Lord Glasgow's, I hope you will be successful. My compliments to William Orr, Old Kirk, and all your family, and hoping to hear from you p. bearer, I am, dear sir,

"Your most ob^t serv^t"

(Signed)

"JAMES CRAWFURD."

Addressed "*To David Blair at Giffordland, shire of Ayr, Scotland.*"

It is enough to say, that this forgery is dated six years and ten months after the death of the Honourable James Crawford.

The sixth letter was written from Lord Crawford to Mr Blair, in which two passages were forged, and these were done by Fanning. Sixth forged document.
It is as follows:—

"DR. SIR,

"Being less hurried with balls and operas, and having some leisure, I take this opportunity of wishing you the compliments of the season, and of assuring you of my willingness to serve you if in my power. I should be glad to know if you still think of being chosen as one of the collectors for the shire of Ayr; and if I can serve you, by speaking to Lord Lowdon, who is now here, or writing to any one else, it will give me great pleasure to do it; and as I do not know in whose hands I left your list of the people to be applyd to, you may send me another. I would have been glad to have been able to serve your relation, of whom Mr Koop told me you had wrote to him about, but as I have heard nothing of him since, nor in what way he would be provided for. When you write, let me know what has happened since my leaving you, and what you think I can do for you, or your relation. Make my kind compliments to your family, and Mr and Mrs Brown. You say my uncle, James Crawford, at Castle Dawson, wrote to you for more money; he cannot be served at present. There is one thing which I mentioned to Hew Crawford in my last to him, viz. that there should be a footpath

made from Kilbirnie House down to the church, of gravel, or something that will remain dry summer and winter. I should be glad you could likewise make a rabbit warren near the loch, and take your directions from Mr Brown, who spoke to me about it last year; and tell him I would be glad to hear from him about the affair he wrote last to Koop about, and which I did not right understand. Let me hear from you soon, and you will oblige, sir,

“ Your most humble servant,

(Signed)

“ CRAWFURD.

“ London, January 19th, 1752.

“ PS.—Direct for me, at Peter Crawford’s, Little Marlbro Street, London.

Addressed “ To David Blair of Giffordland, Esq.”

Seventh
forged do-
cument.

The seventh and last letter was as follows. It was from Lord Crawford to Mr Blair, dated in 1752, and contained five forged passages.

“ SIR,

“ *I promised my uncle, James Crawford, at Castle Dawson, L.50, and therefore will call it shortly.* When you go to the Nightswood to settle that affair of the church with Garscadden, which you may do as you shall judge proper, for the advantage of the sale of the lands, you will, at the same time, inquire about the coals that is said to be upon these grounds, *and write to me when you settle, especially relative to the coals.* If John Crawford be infest, and had got his papers, take the papers from him on receipt, and send them in to Mr Crawford, that a formall renunciation may be drawn in my favours; but if he has not got his papers, and not infest, then you may take a renunciation from him, upon stamp paper, before two witnesses, of all right and title whatever he may have to these lands. *I am sorry* Lord Glasgow is at present not well with rumatick pains, and desires a copy of the receipt which I gave to you; and as I do not propose to come to Kilbirnie soon, I beg you will send by first post a copy of yours; he proposes trying what effect it will have upon him; *doo not neglect*

this ; my compliments to your wife and family, as all from, *sir*,
your most humble servant,

(Signed)

“ CRAWFURD.

“ Edinburgh, September 16th, 1752.

Addressed “ To David Blair of Giffordland, near Beith.

“ To be forwarded by express from Beith.”

The forged parts of this letter were executed by Fanning. The letter is dated *upwards of seven years after the death of the Honourable James Crawford*.

These are not the whole of the documents forged and uttered by the Claimant and his accomplices. But they are fair specimens of the whole, and are enough for the present purpose. Every document founded on by the Claimant, to prove the Honourable James Crawford's residence in Ireland, was forged in whole, or in part, in a manner similar to those before exhibited and narrated.

When the forgeries came to the knowledge of the Lord Advocate, the Claimant, and William Fanning and James Bradley, were judicially examined before the Sheriff of Edinburgh. This took place in June and July 1811. Fanning and Bradley acknowledged their guilt, and detailed at great length their whole proceedings, but the Claimant denied all knowledge of the forgeries.

The precognition being completed, and the forged documents recovered, the Claimant and Bradley were indicted, at the instance of his Majesty's Advocate, and brought to trial before the High Court of Justiciary at Edinburgh, 3d February, 1812.

The trial of
the Claim-
ant and
Bradley.

It is not our intention to detail the particulars of a trial which are so well known ; but as the Claimant and his professional friends have represented this trial as little better than a legal farce—as the jury is said to have consisted of unworthy persons—that they believed false witnesses—that the agent did not do his duty, and the counsel did not speak ; and as the reader may not be sufficiently acquainted with the form and manner of conducting trials before the High Court of Justiciary, or of the peculiar advantages which the accused in such a case enjoys ; and as we consider contempt for judicial authority a great and serious evil, we will shortly advert

Refutation
of the
Claimant's
calumnious
allegations
against this
trial.

to these circumstances, and then leave the reader to form his own conclusions as to the fairness of the Claimant's trial, and the justice of his conviction.

Mode of
procedure
in criminal
cases de-
tailed, to
show the
privileges
of the ac-
cused.

The preliminary enquiry into the guilt of the accused is conducted privately. The accused person is examined, and his declaration committed to writing. He is under no obligation to disclose any thing, or to answer one question which may criminate himself. This he is told before the examination proceeds; but the answers he chooses to give are held as forming part of the evidence against him, and cannot be construed in his own favour. The declaration must be taken in presence of a magistrate, and before two witnesses, who must be able to prove to the jury that the declarant was in his sober senses when the examination took place, and that it was conducted with fairness and propriety.

The proposed witnesses are all precognosced apart from the accused and from one another. They are not upon oath, and of course are not bound (farther than by the moral obligation upon all men to tell the truth at all times) to adhere on the trial to what they have said at this private examination.

After the whole witnesses have been thus examined, the precognition is reported to the Crown lawyers, who decide whether the accused shall be brought to trial or not. If he is not to be brought to trial, he is forthwith dismissed, if in confinement; and if not in confinement, he hears no more of the matter. No public accusation has been made against him, and the character of the accused is rarely affected, even among his neighbours, by this enquiry.

If the accused is to be brought to trial, he is prosecuted at the instance of his Majesty's Advocate for the public interest, and solely at the public expense. He must be served with a full copy of the indictment fifteen free days before the day of trial.

This indictment contains a distinct narrative of all the charges to which he is to answer; every article of evidence—such as, in the case of forgery, the writings which are said to be forged—must, in due time before the trial, be lodged with the Clerk of Court, that the accused and his counsel and agents may have access to them. The indictment concludes with a list of forty-five jurymen, out of

which the fifteen who are to try the case are to be chosen ; and with the names and correct designations of all the witnesses, who are to be examined in support of the charges.

The accused can thus prepare for his defence in the most correct and advantageous manner. He has the power of compelling witnesses to attend in his favour, and he can employ agents and counsel to conduct the proceedings.

When the day of trial comes, the whole proceedings take place in open court. There is no preliminary address to the jury, in which the guilt of the accused is assumed, and a coloured statement given of what the witnesses are to swear. The indictment is read over, and if there be no objection to its technicality, or to the legal imports of the charge, (the relevancy of the libel, as it is called,) the accused is asked if he is guilty or not ; and on his answering not guilty, a jury of fifteen are empannelled, and the trial proceeds. At the close of the proof for the prosecution, there is no address to the jury by the counsel for the crown. The witnesses for the accused are called, and their evidence being completed, the counsel for the crown is then heard upon the whole case, and this is followed by the counsel for the accused, who is heard last. The judge sums up the evidence, and the jury pronounce their verdict. With such forms and advantages in favour of the person at the bar, and which afford a powerful contrast to the mode of trying criminals in England, it is scarcely possible that he can have an unfair trial. Independently of the high character of the Court and the Bar, there are still the never-slumbering eye of the public on the watch, and the unapproachable power of the press, both of which exercise an indirect, yet a due and salutary influence, on the whole proceedings.

The consequence is, that this court is held in high estimation by the country, and its proceedings may be said to furnish lessons to every judicature in Europe.

It was before this court, and under the advantages thus detailed, that the Claimant was brought to trial. A peculiar circumstance in his case was, that upon the jury, there were nine members of the College of Justice ; that is, two advocates, five writers to the signet, and two writers or attorneys. This circumstance, which many panels

would have considered a most important one in their favour, as affording them a certainty that no false testimony could be palmed on them, as to the forgery of deeds and documents, which mere mercantile persons might not have been able to detect, has been most strangely decried by the Claimant, as being the cause of his conviction. Nothing can display more ignorance than this idle declamation, which has been re-echoed throughout the various publications of the Claimant. We shall in a few words set this circumstance in its proper light.

The members of the College of Justice claim a prescriptive right to certain immunities and privileges, which exempt them from duties and services exigible from other members of the community. Among these they reckoned exemption from serving on jury trials. Their right to this exemption having been doubted, the question was brought before the Court in November 1811, when the Lords found, "That the exemption claimed by the practising Members of the Faculty of Advocates, and Society of Writers to the Signet, is well founded; and therefore prohibit and discharge the Magistrates of Edinburgh and Sheriff of Edinburgh from returning any of the practising Advocates, Writers to the Signet, or other Members of the College of Justice, as jurymen to this Court in time coming, without a special order of Court to that effect."

Soon after this decision was passed, the case of the Claimant and Bradley occurred. If any case could call for an order on the Members of the College of Justice, it was this one. The panels were accused of forging writings, for the purpose of proving the Claimant's right to one of the most ancient peerages of Scotland, and to valuable estates. The forgeries were said to have been executed with great skill and care. It was known that the plea of the Claimant was, that the writings were not forgeries, at least not with his knowledge, or in his belief, as they had been judicially produced and founded on by him in his claim of service, after the precognition in the criminal case had been commenced. With the greatest propriety, therefore, both with regard to the public interest, and with regard to the interest of the Claimant, application was made for an order to cite several practising Members of the College of Justice on

trial. The order was given in these words :—" Judging it expedient that a certain number of persons acquainted with legal business should be put upon the jury for this particular case, they do therefore order the proper officer to put into the list of assize for this trial *nine* of the Members of the College of Justice."

January,
1812.
Baron
Hume's
Notes,
p. 241.

The following are the names of the nine gentlemen who were put into the list of the assize, in consequence of this order :—

WILLIAM MAXWELL MORRISON, Esq. advocate.

CHARLES ROSS, Esq. advocate.

JAMES GIBSON, W.S.

WALTER COOK, W.S.

ANDREW STORIE, W.S.

WILLIAM WHYTE, writer.

JAMES JOLLIE, W.S.

JOHN JAFFREY, writer.

RICHARD HOTCHKIS, W.S.

These gentlemen were well known in Edinburgh, as men of high honour and integrity, not one of whom could have the slightest feeling against the Claimant. On the contrary, each and all of them were able to detect any thing approaching to unfairness in the conduct of the prosecution against him ; and they were not only *able* to detect, but would have *spoken out*, and protected the Claimant from all injustice, had any such been contemplated. The other members of the assize were respectable merchants in Edinburgh and Leith.

Then let us look to the persons who had charge of the case for the criminals. The Claimant's agent was Mr Duncan Cameron, W.S., who got all the papers which Mr Steele had, and from which he was able fully to instruct counsel for the Claimant's defence, as well as to see what witnesses were necessary for him to adduce. The counsel employed were Francis Jeffrey, Esq., now the Dean of Faculty, and Henry Cockburn, Esq., men acknowledged to be at the very head of their profession—whose fame is not limited to Scotland—whose aim has been openly to check the encroachments

of men in office, and who *durst* not in a case of this kind slumber over their duty. The interests of Bradley were equally safe. His agent was Mr Archibald Brodie, W.S., and his counsel were John A. Murray and H. Lumsden, Esquires, men also of high reputation and distinguished talents.

Nor can we omit turning the attention of the reader to the bench,

“ Where Justice from her native skies
High wields her balance and her rod ;”

for on this occasion the balance was wielded with the greatest even-handedness. From the connexion of Lord Justice-Clerk Boyle, with the noble family of Crawford, into which it was the object of the suspected documents to ingraft the Claimant, and lest his presiding should possibly injure the case, his Lordship, with great propriety, declined to act.¹ His chair was filled by Lord Meadowbank, who bestowed the greatest pains and attention on the case ; and he was ably assisted by Lords Hermand and Woodhouselee. These respectable and honourable men have since been removed from this scene of duty. The characters they left behind them are not to be wounded by the innuendoes of the Claimant or his attorneys. Those who recollect the critical sagacity of the two former, and the mild and amiable disposition of the latter, and the learning and knowledge of them all, will agree with us in thinking, that the case of the Claimant could not have been in safer hands, had he had the entire choice to himself.

Such was the tribunal before which this case came. The trial excited great interest in Edinburgh, and occupied 23 hours, during the whole of which the Court was crowded to excess. The jury retired, and we have been told, that if there was a feeling with them more one way than another, it was in favour of the Claimant ; but so clear and conclusive did they consider the evidence, that though

¹ The Right Honourable David Boyle, Lord Justice-Clerk, succeeded to the gown of his ancestor, Patrick Boyle, Lord Shewalton, (the adjudging creditor of John and James Crawford, as previously detailed,) in the following manner :—As Lord Boyle, his Lordship, in 1811, succeeded to Lord Cullen, who, in 1796, succeeded to Lord Alva, who, in 1761, succeeded to Lord Shewalton.

they voted 22 times, they agreed unanimously, excepting once, and upon that exception there was only *one* out of the *fifteen* that stood for it. The following is the verdict returned :—" The jury all in one voice find the said John Lindsay Crawford guilty, art and part, and the said James Bradley guilty, actor, or art and part, of feloniously falsifying the several writings mentioned in the first, second, fourth, fifth, and sixth charges of the foresaid criminal libel ; and, by a great plurality of voices, they find the said John Lindsay Crawford guilty, art and part, and the said James Bradley guilty, actor, or art and part, of feloniously falsifying the letter mentioned in the third charge of the said criminal libel. Further, they all in one voice find the said John Lindsay Crawford guilty, art and part, and the said James Bradley guilty, actor, or art and part, of feloniously forging the several writings mentioned in the seventh, eighth, ninth, tenth, and eleventh charges of the said criminal libel ; and they all in one voice find both the said panels guilty of feloniously uttering the writings mentioned in the first, second, third, fourth, fifth, and sixth charges of the said criminal libel, knowing the same to be feloniously falsified, and of feloniously uttering the writings mentioned in the seventh, eighth, ninth, tenth, and eleventh charges of the said criminal libel, knowing the same to be feloniously forged."

Verdict of
the Jury.

Upon this verdict being recorded, sentence of transportation for 14 years was passed against both of the panels. The ground of this sentence, as explained by the presiding Judge, Lord Meadowbank, was this :—" That the libel charged the object only of establishing by a general service a representation of the first Viscount of Garnock. It did not charge, as it might have done, a dangerous combination and conspiracy to carry off a large estate of land from the true heir, by vitiating, obliterating, and interpolating a series of writings. That much of this character had indeed appeared in evidence on the trial, but it was not so set forth in the libel, which alone must guide the Court as to the measure of punishment to be inflicted. If those circumstances of aggravation had been explicitly libelled, as he thought they warrantably might have been, and if they had been duly returned in the verdict of assize, he was of opinion, that, considering the extent of the measures taken by the pa-

Baron
Hume's
Notes,
p. 56.

nels—the dexterous and deliberate execution of them—the magnitude of the object to be compassed—and the great danger of such practices to the rights of the lieges, there were sufficient precedents for referring such a case to the class of capital offences, as in substance equivalent to the forging of a seisin or charter, or other title to a land estate.

“ But taking the case on the libel and verdict as they were, the crime, he thought, did not amount to the highest and capital species of the *crimen falsi*. Forgery, his Lordship said, had not before the sixteenth century been punished with death, either here or in England. At that period the offence had, in Scotland, become frequent and alarming; and sundry statutes were enacted, in order to repress it. These were not free of ambiguity with respect either to the punishment, or the description of the offence. The Court of Justiciary went, in consequence, as the course was in those times, to the Privy Council and to Parliament, for resolution of their difficulties, and to get direction and advice. In this way sundry authorities had been obtained for the construction of those statutes. Those precedents, the Court, in latter times, had carefully followed; and in applying them as principles, the Judges had always been attentive not to go beyond the warrant which they afforded.”

Bell's Case,
p. 10.

Yet this is the trial and conviction, which has been said by Mr Nugent Bell to have been “ looked on by a vast portion of the Scottish nation as a stain on their country; not *one man* out of *ten thousand* believing the Claimant guilty, *even in the most remote degree*, of any of the crimes with which he was charged;” and the writer of the Case of 1824, is pleased to charge the agent who conducted the Claimant's defence “ with palpable negligence, or with the most egregious treachery.” We all know the value of just praise, and that *laudari a laudato* is always pleasing. We also know the value of just censure; but when it comes from such quarters as these, it destroys its own meaning, and ceases to convey reproof.

Second
Case, p. 43.

Effect of
this verdict
on the do-
cumentary
evidence.

The legal effect of this sentence of forgery on the Claimant's documents destroyed his case entirely. It annihilated the evidence by which he was to impose upon the Judge in his claim of service, and stripped him of every pretension to a peerage and an estate;

yet animated still by the motto "*Indure Furth*," he again resolved to try, and he was not left altogether without comforters.

It is said, that grave professional persons, "with spectacle on nose," of magnifying powers, have examined the condemned documents, and have pronounced them genuine and unvitiated. It is said, that a learned counsellor has given it as his opinion, that the record of the High Court of Justiciary, proving the conviction of forgery, could not be received as evidence, in a civil suit, of the verity of the forgery; and on the whole, therefore, that there is no harm done. The documents are genuine, and the records of the conviction of no injury!

It is still said by the Claimant that the documents are genuine.

In the "Crawfurd Peerage" we see opinions quoted to the same effect; but we are afraid to reckon them genuine, so many instances of false documents having been given forth in the Claimant's publications. On looking, however, at one of the opinions, as recorded by the Claimant, we find it thus expressed:—"If the evidence included in the indictment be recovered and *proved to be genuine*, then notwithstanding the conviction, the *proofs of Mr Crawfurd's claim will be entirely irresistible*." In this we most heartily concur. If the Honourable James Crawfurd could be in Ireland and in Scotland at one and the same time; if he could die, and be buried in London in 1745, rise from the grave, go to Castle Dawson, and write letters to David Blair of Giffordland, and receipts for rents of the Lint Park to Mathew Shaw, for several years afterwards; we do most cordially join in the opinion, that the claim is not only irresistible, but that it ought not to be resisted. The Claimant should put on the coronet without opposition, and be sent to the House of Peers as a representative of that illustrious body, of one of the stems of which he is said to be "a scion;" and of which, we doubt not, he would prove a conspicuous ornament. But until these marvellous events are declared possible, we must consider the Claimant as deservedly placed where he is; and while we would remind his counsellors that there is a place called *Bedlam*, we would remind the Claimant himself, that there is such a punishment as that of the *Tread Mill*!

SECTION FOURTH.—REFUTATION OF THE CLAIMANT'S
CALUMNIES.

Refutation
of calum-
nies.

BEFORE concluding, we must devote a few pages to the refutation of some of those calumnies which are so unhesitatingly and unsparingly dealt by the Claimant and his friends, on all those who have been called on to oppose his absurd pretensions. It would be endless to go over all these, but we shall take what appear the most prominent.

Against
Lady M. L.
Crawfurd.

1st. Lady M. L. Crawfurd has, from the outset, been the object of his foul attacks. She has been directly accused of bribery to a great extent, and of fraud, tacit concealment of evidence, of going beyond the legitimate bounds of judicial opposition, of exercising all her influence in crushing and persecuting the Claimant, and, in short, of doing all she could, short of exciting open violence, to destroy him. Her conduct has been put into contrast with his own. He has been meek and patient; all the evidence he has adduced most pure, and all his documents, not only most correct, but preserved, as it were, by the special favour of Providence!

These calumnies against Lady Mary are easily answered. She did no more, from the outset, than what was her duty. If she had not timeously opposed the Claimant's pretensions, his forgeries would not have been detected so early, nor so effectually. Her own interest might have been affected, that of her successors certainly would, and the honour and respectability of her noble family would have been tarnished. What a disgrace to the family of Crawfurd, to the nobility of Scotland, to the administration of law and justice, if a person like the Claimant had "waded" to an earldom, through forgery and perjury, in the manner he had contemplated! No man's property would have been safe—no family history could have been believed. Both would have been open to the cunning and fraud of every adventurer. In Lady Mary's opposition to the Claimant, there is not the least appearance of undue hostility. She had only to act on the defensive. When the Claimant began to talk

of his propinquity, and to claim his earldom and his estates, her ladyship said, "Let him prove it." He commenced, and she watched him. Had she not a just right to do so?—to see his proof, as well as to examine it? This she did, and no more; and in consequence of her appearance, the commission of 1810 was granted. How completely it failed, our readers have seen. Not only did it fail on the part of the Claimant, but it triumphed on the part of Lady Mary, for she proved that the honourable person, from whom the Claimant had sprung, could only write his name by a mark!—a most improbable circumstance in the character of the ardent young lover of Miss Susan Kennedy of Culzean.

After this failure, neither Lady Mary, nor any person for her, thought more of the matter, until the "documentary evidence" of the Claimant made its appearance. From the first, forgery was suspected. It behoved to be so; for the Honourable James Crawford could not have been in Ireland, acting as a factor for the Dawson family, so long as the Claimant alleged, without there existing now some evidence of it among the Crawford papers. No such evidence was to be found; no such circumstance ever had been heard of. There was, therefore, no alternative but forgery: accordingly this made its appearance, and for a short time seemed likely to be successful; but it was detected—and how? By the forgers' remorse, or quarrelling among themselves. The Claimant pretends to have fallen a victim to a conspiracy formed by the forgers from the outset to ruin him. After seeing the Claimant's letters about getting up the tack *clever*, and the old paper, to suit for writing the forgeries of the letters of correspondence, this story of the conspiracy can no longer be listened to. Fanning wrote Lady Mary, expressing his readiness to declare the whole secret; and what did her ladyship do? She referred the informant to her men of business. She could do nothing else; and accordingly Fanning drew aside the curtain, and the actors were exposed. The matter was then taken up by the public officers, and Lady Mary had no more to do with it. Much has been said about the great expense she incurred in the prosecution; and it is even insinuated, that she interfered so far as to pay the charges of the Claimant's conviction. This is altogether false. We have authority

to say, that Lady Mary did not pay one sixpence of the expense of the trial. The whole expense fell on the Exchequer, as in all similar cases. That Lady Mary was put to much expense by the commission of 1810, and relative procedure, cannot be doubted ; but that had nothing whatever to do with the trial for forgery, which ended in the transportation of the Claimant and Bradley. Every other calumny and insinuation against Lady Mary vanishes as it is approached. We may notice another. It is said, in the *Crawfurd Peerage*, page 268, that a young man of the name of Gilchrist, from Fifeshire, who had been transported to New South Wales for a forgery on Lady Mary, had renewed his calling there, and, being detected, was condemned to the coal river for life. While in prison, he is said to have confessed, that when he was in Scotland he had assisted Mr Stewart, W.S., one of Lady Mary's men of business, along with a young man of the name of Brodie, to forge the letters from Lord Garnock, in which he acknowledges receiving the intelligence of the death of his uncle James. This is so palpably absurd, that it really requires no answer. To say that it is false, is to say little. We say that it is *intentionally* false ; and in such a case as this, we are entitled to use Dr Johnson's expression, and say, "the man *lies*, and he *knows* he lies." To forge the letters by Lord Garnock to Mr Hew Crawfurd, implies so many collateral forgeries, and to so great an extent, that it is impossible ! The confession of poor Mr Gilchrist must therefore be set down with the stabbing of the fruit bing in the garden at Ugidale, when the "*severe* search" was made by the soldiers for the unfortunate James Crawfurd !

Equally absurd is the story told in the Claimant's account of his trial, in his Sketch, and which has been repeated in the subsequent editions of his Case, that when Mr Stewart was examined, and deponed to the existence of the letters of charge, and other evidence of the death of James Crawfurd, he should have exhibited marks of such mental and bodily agitation, as to show that he was committing deliberate perjury. Nothing can be so ridiculous, and so undeserving of any notice. Yet such is the tenor of the bold accusations made by and for the Claimant.

Against the
Rev. Mr

2d. We come now to notice a calumny which first appeared in

the Case of Mr Bell, and which has been repeated in the Case of 1824, and in the Crawford Peerage. We allude to the base and scurrilous falsehoods against the Reverend Mr Urquhart, minister of Kilbirnie, and Hugh Orr, baron-officer on the estate of Kilbirnie.

Urquhart,
minister of
Kilbirnie,
and Hugh
Orr, baron-
officer on
the estate of
Kilbirnie.
Bell's Case,
p. 9.

After the report of the Claimant's trial, Mr Bell says, " This was a consummation devoutly wished for by Mr Crawford's enemies ; they were delighted, while *the rest of mankind*, lost in wonder, were ready with our immortal bard to exclaim—

' Can such things be,
And overcome us like a summer's cloud,
Without our special wonder ?'

Mr Crawford was lost, and his enemies gained the day, and with it, what we trust will prove it to be a dear-bought victory. No matter ; like our third Richard, they cared not, ' they had the crown,' and were resolved to enjoy and to celebrate their triumph, by an achievement that would not only surprise the present generation, but make an impression on their posterity, never to be erased. To this end a well-mounted equerry was in readiness, and the instant sentence was pronounced on Mr Crawford, he galloped to Kilbirnie, within about 200 yards of which Mrs Crawford, and her large and helpless family, were waiting, in all the agony of hope and fear, the dreaded issue. They then resided at the house of Mr Montgomery, the laird of Ladeside, who resolved to protect them from the grasp of the oppressor, let what would be the result. On the arrival of the messenger with the important news of Mr Crawford's conviction, the *toad-eaters* of Lady Mary Lindsay Crawford, among whom *the clergyman of the village, and the baron-officer, Hugh Orr, were most conspicuous*, caused a gallows to be erected, and an image of Mr Crawford to be formed, and carried by a set of furies to the front of Mr Montgomery's house, which overlooks the public road, and there they hung the effigy within a few yards of the *habitation where the agonized and shrieking wife and children* of their victim could not choose but witness this diabolical scene. After the effigy had remained suspended some time, *fire was applied*, and, *amidst the yells of those hellhounds, it was consumed*. In the enjoyment of their

savage sport, a great part of the night was spent, which they rendered hideous with howling and bellowing, that would have discomposed Cerberus himself, till at length fatigue and potent whisky drowned their brutal orgies in swinish sleep. The high priest officiating at these *Pandemonian festivities*, was a churchman, a preacher of the Gospel, one who drank, with a voice loud enough to make the welkin echo, ‘To damnation with John Lindsay Crawford!’ This toast was rapturously received by associates worthy of their pastor, while their ears were glutted with the appalling cries of his wretched family. This out-herods Herod; it puts all nature to the blush; the assassin shrugs his shoulders, and cries Shame! at the recital of it. Let them ‘never pray more; they cannot to damnation add any thing greater than this.’”

When this story made its appearance in Kilbirnie and the neighbourhood, those who knew the facts could scarcely believe it possible that any one could invent such falsehoods. Those who did not know the facts, were inclined to believe what had thus been so pompously ushered into notice, in a paper prepared for the highest tribunal of the land.

Mr Bell’s Case is dated 4th June, 1822. It was put into circulation as speedily as possible, and the moment it was seen by Mr Urquhart, he wrote Mr Bell as follows:—

“*Kilbirnie Manse, 21st June, 1822.*

“SIR,

Mr Urquhart’s letter
to Mr Bell.

“In a paper circulated in this parish, entitled, ‘Case of John Lindsay Crawford,’ &c. to which your name is attached, are two extraordinary paragraphs, of which the last is elegantly conceived in the following terms:”—(Here the passage before quoted from Mr Bell’s Case, p. 9, was given.)

“Now, I must say, that a more unfounded, slanderous falsehood, was never penned. It smells strongly, indeed, of having issued from *Pandemonium*; and till this moment, I could not have believed that any person claiming the character of a gentleman, and pretending to a liberal education, could, without demonstrative evidence, have listened, for a moment, to such an absurd story. Is it

credible that a clergyman, in the midst of the most respectable part of his parishioners, would give, or countenance, a toast, which could only be conceived or uttered by the lowest profligate ?

“ Unless, therefore, you disavow the publication, I feel myself justified in demanding an apology for the wanton outrage you have committed ; and that reparation be made with the same publicity as the injury has been done.

“ If you respect yourself, you will not refuse this ; at any rate, I must say with Cowper—

‘ A moral, sensible, and well-bred man
Will not affront me, and no other can.’

“ The little unseasonable wit vented against my worthy school-master and clerk, will, in this country, only tell against the person who employs it.

“ I shall expect to hear from you in course, and am, Sir, yours, &c.

“ R. URQUHART.

“ *To H. N. Bell, Esq. 19, Whitehall Place, London.*”

To this letter no answer was returned. After Mr Bell's death it was found among his papers ; but he had paid no “ respect to himself,” for he allowed the calumny to remain unexplained and unjustified.

Mr Urquhart also wrote the Claimant, who then lived at Ladeside, insisting that the Case should be withdrawn from circulation ; but to this no attention was paid. In the Case of 1824, the calumny was repeated ; and in the “ Crawford Peerage,” there was added the following paragraph :—“ Two or three days after the bonfire rejoicing at Kilbirnie, as we have already described, it was agreed by the minister, and those sons of Cerberus, that they would appoint another day to commemorate the birth of Fanning, which was done by drinking the health of that worthy personage, with three times three, ‘ long live the lady, away with Crawford for ever ! ’ ”

Nor did the baron-officer submit in silence to Mr Bell's tirade. Immediately after the Case appeared, Hugh Orr addressed the following letter to him :—

Hugh Orr's
Letter to
Mr Bell.

“ SIR,

“ I have read a sketch of what was stated to be the case of John Lindsay Crawford, Esquire, claiming the titles, honours, and dignities of the Earl of Crawford, &c. &c., in the newspapers ; and my attention was afterwards turned to a paper, which purports to be a statement of the case itself, as given in by you to the House of Lords. I was surprised to find so many downright falsehoods stated therein, and that so humble an individual as myself was noticed and dragged forward to the public, as connected with scenes which actually never happened, and with circumstances purposely perverted and misrepresented.

“ You mention that a ‘ highly respectable individual ’ gave you the statement of Mr Crawford’s case, ‘ the truth of which he strongly vouched for,’ and besought your warmest attention to it ; and you affect to have read it with an unusual degree of interest. This statement, delivered to you by the respectable individual, is a statement which cannot affect the claims of Mr Crawford, otherwise I would have waited till the decision of the Committee of Privileges, before I had animadverted upon it ; but as those passages which relate to me, and those respectable individuals with whom I have the honour to be coupled, have created an unusual sensation in the public mind,—and some persons who are ignorant of the real circumstances may be credulous enough to believe them,—I have thought proper to set you and them right concerning the statements where I happen to be introduced. You mention, that after Crawford was sentenced to be transported beyond seas for 14 years by the Court of Justiciary, for the crime of forgery, and, after a quotation from Shakspeare, that,” &c.—(Here follows the offensive extract, as before given.)

“ Now, sir, before you or any other person had written and published to the world such a Billingsgate tirade, and had attempted to stab the character of any individual, it would have been at least proper to have examined into the truth of what you set forth in such vivid colours. The result of your researches would have been a conviction, that not a word in the above two paragraphs is true. *There was no equerry to carry the tidings of the sentence of the Court*

pronounced against Mr Crawford. *Mrs Crawford was not at Kilbirnie at the time, but at Edinburgh* ; so that her agonies and fears when waiting on the equerry, existed only in the heated imagination of the author. As there *was no equerry*, so there *were no gallows* erected, and no image of Mr Crawford formed and hung upon the gallows ; and as *Mrs Crawford was not at Kilbirnie, but far distant*, so ‘ the agonized and shrieking wife ’ could not be appalled and horror-struck. As there was no equerry, no gallows, and no effigy, so no fire could be applied to the effigy ; and it follows, as a natural consequence, that the effigy could not be consumed amidst the yells of the hellhounds you allude to.

“ The high priest, as you were pleased to call the very respectable minister of this parish, whose character is above either your censure or your praise, did not drink the toast which you say ‘ was rapturously received by associates worthy of their pastor ; ’ so that all the affectation of eloquence and feeling which follows, is totally powerless and contemptible.

“ What I have stated, sir, are facts which I can prove by a cloud of the most respectable witnesses ; and I would *like to see what passage in Shakspeare you would select to denounce the wretch who could coolly and malignantly sit down to murder the character of any individual, how respectable or humble soever he might be*. To use your own language, sir, such a person *out-herods Herod—he puts all nature to the blush—the assassin shrugs his shoulders, and cries Shame ! at the recital of it*.

“ There are a great many other notorious falsehoods in this notable statement, which relate in no way whatever to me ; and if you think they can benefit your client, you are welcome to take all advantage of them : but if they ever come to be investigated, I fear they will not turn out very creditable either to the author of them, or to Mr Crawford.

“ In page 27th of your statement, I perceive the evidence of a William Davis, mentioning that he had heard from Agnes Gibson, now deceased, that I had offered her L.30, and a livelihood all her days, if she would withhold her evidence, and conceal all the facts within her knowledge relative to the Honourable James Crawford,

and that she refused, and declared solemnly she would disclose the whole truth, on which I am stated to have observed, that I would ‘gar her rue it,’ which words you explain as follows,—‘make her repent it, be sorry for it.’

“This statement, if ever Agnes Gibson made it, was totally false as those which I have already noticed; and I believe that my word is as ready to be taken as that of William Davis. It is well known that Agnes Gibson was in her dotage at that period. If ever she uttered such words, it must have been either a wilful misrepresentation on her part, or the consequences of her imagination acting on a weak judgment. It is most probable, however, that this story has been hatched by the same fertile mind, which has so eloquently and feelingly described the other stories I have mentioned. There is another circumstance, however, which you have omitted, and it is proper that I should now state it, that you may hereafter keep it in view. Mr Montgomery, whom you represent as one of the most amiable and generous of mankind, who threw his protecting shield over Mrs Crawford and family, thought proper, shortly after her husband was transported, to expel her and her whole family, &c. by violence, from an old useless house, which they occupied upon his farm of Ladeside. Mrs Crawford sent for me at that time to protect her from his violence and cruelty. I was from home; but a son of mine went for that purpose, and when upon the spot, he saw Mr Montgomery at the head of a posse, with weapons in their hands, and a great crowd of persons attracted by this humane act. The insult and abuse which she received at that time can scarcely, I think, be removed from Mrs Crawford’s recollection. Mr Montgomery kept always aloof from her and her family, until Mr Crawford’s return from Botany Bay, when I suppose, to use your elegant phrase, expecting to be one of his *toad-eaters*, he has again thrown his protecting shield over them, and I believe you yourself have rested under its benignant shade. I am,” &c.

These sensible and spirited letters remained unanswered. The libeller was chased into a corner from which he could not come out,

and he had not even the courage to turn and bark at his followers. He tamely submitted to their reproach.

What can we think of Mr Bell and of his client, thus gravely issuing a statement which they knew to be false, and one which, when challenged, they durst not defend? We are happy to be the means of exposing such fabrications, and of removing any impression they may have made on the character of a clergyman so much respected as Mr Urquhart, or on that of so faithful a servant as Hugh Orr.

3d. The only other calumny we mean to notice, is that against Mr Buckton. In the Case of 1824, this gentleman is grossly libelled. He is openly accused of treachery to his client, as being sluggishly indifferent to his duty, as injuring the Claimant by a direct and wilful junction with his adversaries; and it is more than insinuated that he was bribed over to the interest of Lady Mary by her agents, and that he made a report of the Claimant's case, not only unfavourable to him, but that the greater part of it was "a mere compilation of nonsense." These calumnies are repeated in the Crawford Peerage, and Mr Buckton is accused of rudeness and incivility to the Claimant and his wife, and altogether is held up as a person of no character.

Against Mr
Buckton.

Our readers, by this time, must be satisfied, that the slanderous accusations of the Claimant and his friends require to be supported by something more than their own assertions. All those that have hitherto been submitted to the test of enquiry have vanished into "thin air"—so we are persuaded will those which have been directed against Mr Buckton. This gentleman was not employed by the Claimant, who had no control whatever over his proceedings; and it was not Mr Buckton's aim to please him in his mode of investigation. In the introductory section, we mentioned that a number of patriotic and benevolent gentlemen in London, thinking favourably of the Claimant's case, had resolved to have it fairly enquired into, at their own expense; and it is most gratifying to think, that in this country the poorest person can find friends so liberal as to interfere in their behalf in the manner done by these gentlemen. They employed Mr Buckton to make the enquiries, and of course guaranteed his expenses. The subscribers to this fund were

not only most respectable, but very wealthy ; and Mr Buckton, knowing that he had such responsible clients, might have involved them in great expenses, had he been so inclined. If, for example, he had given ear to all the nonsense of the Claimant and his witnesses, and had reported so favourably as to induce and procure an enquiry before the House of Peers, he might have drawn from these gentlemen a great deal of their money, though the ultimate result would have been a complete failure. Mr Buckton did not so act. He acted as a man of integrity, and as a person who, while he had the interest of his clients at heart, did not lose sight of the duty which he owed to himself. The subscribers, after taking the opinion of Mr Brougham and other counsel of eminence, agreed that Mr Buckton should go to Scotland and ascertain the truth of the Claimant's pretensions. They named Mr Bowie, W.S., to act along with him—Mr Bowie being well known to some of the subscribers, and a person whose character could be readily learned in Edinburgh by those who were inclined to enquire after it. On Mr Buckton's arrival in Edinburgh, Mr Bowie and he commenced their labours. They went openly to work, and intimated to Lady Mary the object they had in view. This they did by the following letter :—

“ Edinburgh, 25th December, 1823.

“ MADAM,

Letter by
Messrs
Buckton
and Bowie
to Lady
Mary Lind-
say Craw-
furd.

“ We beg to acquaint your Ladyship, that we have been appointed by a committee of noblemen and gentlemen to investigate and ascertain if Mr John Lindsay Crawford has or has not any pretence for the claim which he has preferred to the titles and dignities of the earldom of Crawford and Lindsay. These gentlemen are willing to support Mr Crawford's pretensions, if it should be reported by us that a further prosecution of the matter would be attended with a probable hope of success.

“ On the contrary, should we be able to satisfy ourselves that Mr Crawford is not the person he pretends to be, and so report, the committee would withdraw their countenance and support, and the claim might then be considered as set at rest for ever.

“ In the course of our research and enquiries, we have been given

to understand that your Ladyship has in your possession letters and documents which prove beyond all dispute, that the Honourable James Crawford, the third son of John, the first Viscount Garrock, died in the year 1745. We are inclined to believe that such evidence would be conclusive against Mr Crawford's claim.

"Our object is to ascertain the real truth, and if the case be one which is not worthy of further attention, we are desirous of relieving ourselves from unnecessary trouble, and to spare all parties from a useless expenditure of money. With this view, we have thought it right at once to address your Ladyship, and to request that you will be pleased to allow us the inspection of any paper or papers which you may have, and which you and your agents may consider as likely to satisfy our friends of the fallacy of Mr Crawford's claim.

"We would willingly attend your Ladyship at Crawford Priory or elsewhere, and at such times as may be best suited to your convenience. We have the honour to remain, your Ladyship's most obedient servants,

(Signed)

"JOHN BOWIE, W.S.

"JAMES BUCKTON,

Sol^r, Doctors' Com. London."

To this the following answer was received :—

"Lady Mary Lindsay Crawford refers Mr Bowie to Mr Lyon, Her Ladyship's answer. W.S., Forth Street, who is her agent; and Mr Hunter informs Lady Mary, that he has already given him every information."

In the meantime, Messrs Buckton and Bowie made diligent enquiry into the proceedings which had been adopted under the commission of 1810, and at the trial of 1812. They examined the documents which had been produced at the trial, and proved to be forged. They had interviews with every person in Edinburgh who could give them any information, and the whole of the conversations were reduced to writing at the time. They saw the judicial proceedings which took place at the instance of Lord Shewalton after the death of the Honourable James Crawford; and the result was, a conviction on their minds that the Claimant had no right

Mr Cock-
burn's opi-
nion on the
Claimant's
case,

whatever to plead a descent from that person. In these circumstances, instead of running off to Ireland to listen to the hearsay stories of old misled people, they laid an abstract of their proceedings before Mr Cockburn for his opinion, and by which they meant to regulate their future conduct. Mr Cockburn's answer was,—“ I am decidedly of opinion that it is unnecessary for Messrs Bowie and Buckton to proceed further. *I consider the claim as absurd and hopeless.* If the Claimant had any thing to say, or to produce, against the almost conclusive evidence which already stands in opposition to him, one's judgment ought to be suspended till the effect of his statements or proof could be considered ; but if his answer consists merely, or chiefly, in saying that the preceding documents are forged, but without pretending to have any evidence of this fact, and if he cannot point out where any contradictory document is to be found, I think it would *be a mere waste of time and money in Messrs Buckton and Bowie to enter, at the expense of others, for his gratification, into further enquiry.* I don't lay very much stress on his having forged, or been accessory to the using of forged writings, because a person with a good title in him, might, from folly, have been induced to do so. But independently of this, I am of opinion, *not only that his case is groundless, but that its groundlessness is so plain, that farther proceedings may fairly be suspended,* until at least he can produce some positive documentary evidence, or give some specific statement where that is to be found.

(Signed) “ H. COCKBURN.”

and as to
the respect-
ability of
the Jury,
and fair-
ness of the
trial.

On the point as to the respectability of the jury who had tried the Claimant, Mr Cockburn said,—“ I know nine of the jury personally, and three of them by character, and three not at all. The twelve whom I know personally, or by character, are all most honourable and respectable, and many of *them most able and intelligent*, persons. I cannot say that, in my whole experience, *I ever knew a better jury.* *I was one of the counsel for the Claimant, and no man ever had a fairer trial.*”

If, upon getting this opinion, Messrs Buckton and Bowie had suspended their proceedings entirely, they would have been fully jus-

tified : but they thought it right to go to Ayrshire, and examine what witnesses the Claimant could adduce. It occurred to Mr Buckton that it would now be proper to take down from the Claimant some account of the origin of his case, and the reasons he had for starting his claim at first, and to ascertain from Mrs Crawford if she concurred in these statements. Accordingly, at Kilbirnie, he examined them apart ; but there was not one question put approaching to familiarity, as has been most erroneously stated by the Claimant. It is obvious, that if the Claimant's story was true, it must have been matter of frequent observation and conversation in his family, and among his companions, and at least that it had formed the subject of anxiety and thought to himself and his wife, both before and after their union. The reader will be surprised, however, to learn, that the husband and wife gave very different accounts of the matter. According to the Claimant, the subject of his noble connexions was talked of often ; according to his wife, she never heard of it till her daughter was born. According to Mr Crawford, the connexion with his great relatives was the subject of taunts from his neighbours ; according to Mrs Crawford, she never heard one of her husband's relatives speak on the subject until 1808, after the late Lord Crawford's death. In short, their accounts did not agree, and it was evident they were taken by surprise at this mode of interrogation.

Examina-
tion of Mr
and Mrs
Crawford,
and their
contradic-
tory state-
ments.

A few persons were examined, but not one of them could give any information of the least consequence. They looked for Mr Buckton to bring information, and not as come to seek it. These examinations were conducted at Kilbirnie, Irvine, and Ayr, but proved so unsatisfactory, that Messrs Buckton and Bowie lost no time in returning to Edinburgh. They then had an interview with Lady Mary Lindsay Crawford's agents, and with Colonel Campbell, another claimant of the peerage, who exhibited the written proofs of the history of the Honourable James Crawford, which have been detailed in a former part of this work, and to which the reader is referred.

The whole formed such a body of evidence as to seem impregnable, and Messrs Buckton and Bowie intimated to Mr Crawford that

they had closed their investigation. On the report being made to their employers, the proceedings adopted by them were approved of, and other evidence of the futility of the Claimant's pretensions having been discovered, the gentlemen who had interested themselves in his case saw they had been duped, and therefore ceased to take further interest in himself or his case.

Now, is there any thing in the conduct of Mr Buckton, which can justify the libellous aspersions of the Claimant and his friends? There is not the slightest dereliction of duty established against Mr Buckton. Every thing he did was done openly and honourably, and of this his employers were satisfied. If he had trumped up a case like Mr Bell's, and landed them in a serious litigation and expense, they would have had cause to complain of his procedure and of his motives. As he acted towards them, he was entitled to their unqualified praise. Yet he has been obliged to suffer the calumny of the Claimant's tongue, and that of the pen of his subsequent adventurous men of business.

The Claimant's praise of himself.

We must now direct the attention of the reader to a feature of no small magnitude, in the writings of the Claimant and his friends. That it was necessary for them to express their belief in the justness of the claim, we most readily admit; to suppose the contrary, would be an anomaly to which we could not expect readily to find a parallel; and if their expressions were carried so far as to show that they believed themselves right, and every one else wrong, this could only be attributed to the enthusiasm arising from the management of a cause so great and important, as one to obtain an earldom and a large estate. But it is impossible to allow the fulsome and grossly disgusting compliments paid to the Claimant, to pass under the sanction of a pure enthusiasm and belief in the verity of his case. They are carried to an extent not only disgusting, but are made the vehicle of profanity, for they end in unjustifiable quotations from Scripture, which are carried the height of his adopting as his motto, on the title-page of the Crawford Peerage, a passage originally applied only to the Divine Author of Christianity.

In the Sketch of his Life, the Claimant enumerates several remarkable instances of the speed with which his opponents were re-

moved out of the way, thereby implying that Providence was in his favour; and when he comes to the bar of the Justiciary Court, he is mentally fortified by reflecting on the motto of his arms, "Indure Furth!" This, by the way, was a false notion; for, as the Claimant was attempting to prove himself a descendant of the first Viscount Garnock, he should have been fired with the motto of that noble person, *sine labe nota*. This was, however, too *pure* for the Claimant, and he chose to be animated by another.

In the Case of 1824, the Claimant is called "a scion of the most ancient, and the most noble, of the barons of Scotland;" he has "the spirit of a nobleman, and would blush to act unworthily of his high descent." His fate is compared with that of the Mowbrays and Plantagenets. He is ranked with the royal martyr, Charles I.; and his sufferings are whined over as something beyond the lot of humanity.

But these are tame expressions, and modest allusions, when compared to those which grace the pages of the "Crawfurd Peerage." We have all heard of remarkable events which have happened at the birth and death of great personages. It seems the Claimant gave ominous indications of future greatness, for one of his Irish witnesses swears, that the moment he came into this world, "old Bridget Sheals, the midwife, who had him in her arms, ready to perform the first service to the new stranger, *when instantly he leaped from her arms into the straw, which, strange to tell, was repeated a second time, and almost a third.* The old woman observed that something most extraordinary would certainly happen that infant in the course of his life, either for his good or ill fortune." Accordingly, we are told that a subject *so extraordinary* "has never appeared on record, as respects a single individual in private life, *since time had its commencement.*" He has conquered enemies and won victories as great as those which fell in the way of Wellington and Bonaparte;¹ and "in his veins flows warmly the blood of the valiant Bruce!" But, lest we injure the effect of this part of the Claimant's case, we beg leave to give the reader the following sketch of his

Crawfurd
Peerage,
216.

¹ Crawfurd Peerage, p. 28.

His character as given in the "Crawfurd Peerage."

character, as drawn by the writer of the Crawfurd Peerage : " To particularize his character, we may safely observe, that his word was his honour in every thing, and he esteemed his friend almost to distraction ; he possessed a sound mind, and no ordinary judgment in almost every common concern of life ; was considered by some rather of an ardent and warm turn of mind, and whose heart was friendly and generously grateful towards the deserving and meritorious of every class. The enthusiasm of his disposition often led him into discrepancies, which, as they were of the heart, and not of the head, gave no decided bias to his maturer character. Nor were the predominancy of inferior passions derogatory to his native *bravery of soul*, for *valiant persons are often more under the influence of passion than reason* ; for it has been *observed, that at the age where-in men are most courageous, so have they a greater propensity to all the passions that have any ray of nobleness and beauty*. For which reason, such men are subject to ambition, because it is a passion that has some mixture of generosity and probity ; they are also inclinable to opinionativeness, because it has a shadow of constancy ; but, on the contrary, they are less liable than other men to avarice, cruelty, and desire of revenge, because these motions of the soul have not the least appearance of nobleness or beauty : Therefore poets call *the excess of passion, handsome fooleries*, because they carry a denotation of beauty in the soul, where they are formed, *intimating a violent inclination for the love of perfection* ; or else, it may be, that even the inclination to love perfection is the principal motive, and only fountain, of true courage ; so that if love has any ray of so divine a flame, it is no wonder that those who have an extreme high courage, are *most subject to this most amiable passion*. Men of the most bravery of heart and sublimity of mind have been *captivated by the alluring glance of beauty, though their souls were firm as hyperborean ice*, capable of resisting the hardest blows, and of bearing the heaviest burdens ; yet they made less resistance to the gentle rays of the sun, and melted before the *mild eye of beauty*. Few men, as *Charles of Sweden*, have been like a diamond, equally resisting all assaults, for this prince, uniting all the force of his soul towards the point of military glory, remitted all other regards, in

the same manner as the usual faculty which proceeds from the same spring ; when we would collect it into one eye to make it more strong and distinct, we naturally shut the other.”¹

We did not at first well see what could be meant by this apology for *the inordinate love of beauty*, or its all-powerful influence, until, in our researches in the parish register of Kilbirnie, we met with the following entry :—

“ Kilbirnie, November 7th, 1824. Which day the Session being met and constituted, compeared Jean Shedden, who *confessed that she had brought forth a child in adultery ; and on being interrogated, accused John Lindsay Crawford as having been guilty with her, and the father of the child she had brought forth* : The Session, considering this to be a scandal of an atrocious nature, and said John Lindsay Crawford being furth of the country, refer it to the Presbytery of Irvine for advice.”

We leave the reader to apply the fact here recorded, to the doctrine in our last quotation from the “ Crawford Peerage,” and he will not fail to see how the descendant of the Hero of Bannockburn is said to differ from Charles of Sweden !!

But we hasten to a close. Enough has surely been said to satisfy the reader, that there is no likelihood of the Claimant’s taking up the ancient title of Earl of Crawford and Lindsay. It must pass to other hands, to hands not stained with forgery ; but to one who can prove his descent without falsehood, and without injuring the memory of his ancestors, by charging them with crimes which they never committed. The memorials of the Crawfurds are engrossed in the history of their country, and rise above local or domestic renown. That fame is not to be obscured by the vice and impudence of one, who has not the slightest ground to say he is descended even from an illegitimate cousin, and who has been allowed to impose on the credulity of the public, until the benevolence which was roused in his favour, has degenerated into weakness, and until the talents, which have been exercised in conducting his proceedings, have become the object of suspicion, if not of contempt.

ERRATA.

On page 8, line 27—for *Bogle*, read *Boyle*.

——— 94, last line—for *clerer*, read *clever*.

——— 95, on margin, the same error.

NOTE.

IN farther illustration of the character of Captain Thomas Crawford of Jordanhill, as given on page 5, it has been considered proper to subjoin his account of the taking of Dumbarton Castle, which is curious and interesting, and deserves all due publicity. It was given by him in a letter to John Knox, which is printed in the "Journal of the Transactions of Scotland," written by Richard Bannatyne, who was Knox's secretary. This Journal was published in 1806, under the accurate editorial care of John Graham Dalyell, Esq.

"RYGHT HONORABLE SIR,

"After my hartie comendationis, the laird of Braid schaws me that ye are desyrous to know the maner of the taking of Dunbartane, and what we fand into it. The maner was this, I havand knowledge of the maner how they watched, and whare ; and havand ane yeoman man, ane that had bene ane of the watchmen of before, wha knew all the craigs, whare it was best to clymb, and where fewest ledderis wald serve, without ony further intelligence, I tuik on hand to give ane assay, and to doe that thing which was possible. Upon the which we departed from Glasgow ane houre before the sone setting, I havand provided of before the ladders, and cords and craves of iron to put betwixt craigs to put cords to ; and afore we struke our drum in Glasgow, sent out horsemen to keip all the passages, that none suld gang before ; and soe we past forward while we come to the hill of Dunbucke, within ane myle of the said castle ; and there, about one efter mydnight, we lay downe our ledderis and our cords, and sortit all our busines, as it were lang to write. But every man had his hacquebutt bound upon his bak, and every ledder had divers cordis put to it, and ane cord from the former end of this : we gangand but one man behind ane uther to the hinder end, swa that everie man had the said cord in his hand, and the foremost to guide all. Sua no man that held a grip of the cord could gang by the way, because it was in the nyght. Now

we had many fowseis to pass, and a deep water, brigged with a single tree, afore we come to the castle ; and the foremost of us bure the ledderis, and swa we past fordward ; and becaus they suspected not the laighest part of the craig, there was not ane watche in that part of the wall abone, within sex score of futtes to the part where we entered, we thought it best to assay it at the same part, called the *Beik* ; and when we had knit the ledderis of thrie scoir of steppis, we were yet xx steppis from ane trie, which was above us. To the which trie the guide and myself wan to without ledderis with great difficulty, taking cords with us, and feschoned the said cords at the trie, and so letting the cords hing down to the ledderis, whairwith men might draw themselves up to the trie ; and when we were at the trie, we had five score fathoms to the root of the wall, to the which we bare cords in like maner. Be this was done, daylight was come, because it was long of doing ; and there we tuik one of the ladders and brought it to the wall, wherewith we entered every man ; and at the entry of the first man upon the top of the wall, the watch that sate beside saw him, and immediately he cryed, and wakened the place ; and a cloud of mist fell about us, which was little lychter than the nyght, and there comes out of sundry houses of the place men running naked, so that there was incontinent three slain and sundry hurt, and so the rest givis backis ; and incontinent we wan their artailzerie, and their powder, and their bullets, and turned the samyn to themself, wha yet kepted Wallace Tower, the White Tower, with the Windy-hall, the Chamber between the Craigs, and the Nether Baillie,¹ and as soon as they saw their own artailzerie turned to themself, every man took him to his shift, and because the mist was sua donc [moist] thick some lap the walls and escaped, and other some we got, as ye have hard. And what munition and uther thingis we gat within the hous, ye shall receive the inventar of it, as just as I can give it you. And farder I cannot say, except ane thing I will assure you of,—as I live, we have no maner of intelligence within the hous nor without the house, nor I have spoken of before. So commits you to the keeping of the eternal God. At Leith, the 14 day of Januar.—Be youris assured at power,

“ THOMAS CRAWFURD OF JORDANHILL.

“ To Johne Knox.

“ The inventar of the munition within the Castle of Dunbartane at the time of the entry of the Laird of Drumquhassell, as Captain thereto.

“ *Item*, in the first ane gross culvering, mounted for the walls, and not for the

¹ The postern gate, or sally-port.

fields, with 24 bullets for her. *Item*, two batteris, mounted for the walls and not for the fields, with sufficient number of bullets for them. *Item*, two myons, one mounted for the walls, and not for the fields; the other unmounted either for walls or fields, with sufficient number of bullets for them two. *Item*, two Bartenyie falcons, mounted for the walls and not for the fields, with sufficient number of bullets for them. *Item*, ane quarter falcon, mounted for the walls and not for the fields, with sufficient number of bullets for her. *Item*, three hacquebutts of found, whole, and one broken. *Item*, ane double bars of iron. *Item*, ane single bars. *Item*, thirty great barrels of cannon powder. *Item*, eight barrels of hacquebut of found powder. *Item*, eighteen callevers, of these at my lord's command, ane given to Hary Wedderburn, ane other to George Dundas; rests thereof 16. *Item*, of spears, headed and unheaded, 60. *Item*, of culvering powder, three barrels. *Item*, of victuals, left in the place, at our entry thereto, after my lord's departing,—*Imprimis*, of wyne, 20 tuns; of meal, 12 chalders; of wheat, 10 bolls. *Item*, of malt, 8 bolls; of bisket, 11 whole hogsheads. *Item*, of bacon, 4 whole puncheons."

THE END.



