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With kind regards

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# The Two Heiresses of Buccleuch.

LADIES MARY AND ANNA SCOTT

AND THEIR HUSBANDS,

WALTER SCOTT, EARL OF TARRAS, AND  
JAMES, DUKE OF BUCCLEUCH AND MONMOUTH.

1647—1732.



EDINBURGH, 1ST JANUARY 1880.

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*SUMMARY OF MEMOIRS.*

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LADY MARY SCOTT.  
COUNTESS OF BUCCLEUCH.  
BORN 1647, DIED 1661.



WALTER SCOTT OF HIGH CHESTER, EARL OF TARRAS.

HUSBAND OF MARY, COUNTESS OF BUCCLEUCH.

BORN 1644, DIED 1693.





MEMOIR  
OF  
THE LADY MARY SCOTT,  
COUNTESS OF BUCCLEUCH.

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LADY MARY SCOTT was born at Dalkeith on Tuesday, 31st August 1647. At the time of her succession to her father in November 1651, she was thus a child of only four years. As the inheritor of the extensive earldom of Buccleuch, and as the object of intrigues which led to her premature marriage in childhood, the history and fate of Mary, Countess of Buccleuch, furnish materials for a real romance.

Her succession to the titles of honour and the territorial possessions of the earldom of Buccleuch, was regulated by the deed of entail which was made by her father, Earl Francis, in 1650, soon after the death of his only son, Lord Scott, as already explained in the preceding Memoir.<sup>1</sup>

The early years of the Countess Mary were passed in the old Castle of Dalkeith, which was the ancient inheritance of the family of Douglas, Earl of Morton, till it was acquired by her father. But soon after the death of Francis, Earl of Buccleuch, the English Commissioners appointed by the Commonwealth for the administration of Scottish affairs took possession of the castle, park, and orchard. They probably did so under the mistaken idea that these belonged to the Crown, as King Charles the First, in the

<sup>1</sup> Her return as heir to her father is dated 6th October 1653.



year 1637, acquired from the Earl of Morton the estate of Dalkeith, intending to make it a great park. But shortly afterwards, owing to the troubles in which the King became involved, his purpose was not carried into effect, and he re-sold Dalkeith to the Earl of Morton, who was again infested. But he soon afterwards sold Dalkeith to Francis, second Earl of Buccleuch, who paid a very high price for it and obtained possession. The tutors of the Countess having learnt in 1652 that it was the intention of the Commissioners to return soon to England, an attempt was made by them to recover possession of the Castle of Dalkeith. In this they were unsuccessful. The Commissioners declared that they had no power in themselves to deliver up the castle, as they had been appointed to reside there by an order of the Parliament of the Commonwealth. They promised, however, to deal with the Parliament for its redelivery to the Countess of Buccleuch. A petition was also presented in June 1653 to the Council of State, with no more success than the former application.<sup>1</sup>

The castle and park of Dalkeith were then placed by the Government at the disposal of General Monck, as Commander-in-chief of the army in Scotland. He continued to reside there until his departure for England, immediately before the Restoration of King Charles the Second. The Restoration was, indeed, arranged in one of the rooms of the castle, and it was there that the negotiations were carried on which resulted in the march of General Monck to London. No rent was paid by the Commissioners during their stay at Dalkeith; but Monck, during his residence there paid a yearly rent of £110 sterling for the park and orchards, but only a nominal rent of threepence yearly for the castle. The Government possibly considered that they were justified in occupying a fortified castle without paying rent, especially as it belonged to the successor of Francis, Earl of Buccleuch, who had, in his later years, espoused the cause of King Charles the Second, in opposition to the establishment of the Commonwealth. And the nominal rent of threepence would, at the same time, express their intention of considering the castle to be

<sup>1</sup> Sederunt Book of the Tutors, in Buccleuch Charter-room.

the private property of the Countess of Buccleuch.<sup>1</sup> On their removal from the Castle of Dalkeith, the Countess of Buccleuch, with her mother, the Countess of Wemyss, and her sisters, the Ladies Margaret and Anna, abode at Sheriffhall House, near Dalkeith, which was fitted up for their reception. The Charter-chests containing the family muniments were at the same time removed from the Bass Rock, where they had lain for safety during the civil troubles, and were placed in Sheriffhall. During her residence there the Countess lost her next sister, Lady Margaret, who died before she had reached her third year.

The marriage of the Countess-Dowager of Buccleuch to the Earl of Wemyss in the year 1653 again altered the arrangements of the family. The Countess of Buccleuch and the Lady Anna Scott, her only surviving sister, then removed with their mother to Wemyss Castle, in the county of Fife, where the Countess Mary continued to reside until her marriage in the year 1659.

Although Earl Francis had acted with the party in Scotland which opposed the expedition to England under the Duke of Hamilton, his subsequent action in lending his support to the measures for promoting the cause of King Charles the Second made him obnoxious to the Government of Cromwell. His death shortly after the decisive battle of Worcester prevented the punishment falling on him personally, but his successor did not escape. By the Protector's Act of Pardon and Grace, dated in the year 1654, the Countess Mary, as the heir of her father, was fined in the sum of £15,000 sterling, which was the largest fine imposed. Commissioners were appointed by the Protectorate to hear and decide the petitions which were presented in order to obtain relief from the fines, and the tutors of the Countess adopted measures for obtaining her exemption from the fine, or at least the mitigation of its severity.

The petition presented by the tutors on behalf of the Countess of Buccleuch represented that the fine had been imposed by some mistake, his Highness the Lord Protector and his Honourable Council not being fully

<sup>1</sup> Buccleuch Chamberlain Accounts, in tract, signed by General Monck, in Lord Buccleuch Charter-room, and Original Con- Polwarth's Charter-room.

informed of the condition of the petitioner and the conduct of her deceased father. The tutors offered for their consideration the following particulars :— That the petitioner was a pupil under seven years of age; that her estate was provided to her with such conditions that she had no power to dispose of any part of, nor contract any debt on it; that the yearly value of the estate was not so large as had been represented, besides being burdened with the liferent of the Countess-Dowager, the provision to Lady Anna Scott, and others, and with the claims of the creditors of the late Earl. It was also urged that the estate had suffered severely by the waste and destruction during the years 1650 and 1651, and that the Castle of Dalkeith had been refitted for the use of the Commissioners, for whose accommodation the Dowager Countess and her family had willingly removed from Dalkeith House and Park.

The petition then describes the conduct of the Earl during the Civil War, showing that he had, when very young, acted as Colonel of a regiment of the army which assisted the English Parliamentary forces; that in the year 1648 he had opposed the "Engagement," withdrawing from Parliament on that occasion, and only returning for the purpose of recording his dissent from that expedition; and although that Parliament had nominated him or his brother, David Scott, to be Colonel of a regiment, he had refused and also dissuaded his brother from joining the party. With his friends and followers he was among the first to rise in arms against the returning army, and he voted in the Parliament of 1649 which condemned the "Engagement" as unlawful. Since her father's death the petitioner and her tutors had shown themselves always obedient to the existing Government in all things that could be expected of them.<sup>1</sup>

The petition was accompanied by attestations in favour of the late Earl

<sup>1</sup> The petitioners had made out a good case so far, and they wisely stopped at that point. A note on a contemporary copy of the Petition suggests that "It is thought not fitting to mention any thing the late Erle

can be charged with as sitting in Parliament or Comitties since Dumbar, anno 1650," after which time he had supported the cause of King Charles the Second. Vol. ii. of this work, pp. 300-302.

from Lord Burghly and others, which have been noticed at length in the previous Memoir.<sup>1</sup>

It was considered advisable that in addition to the petition, personal application should be made to the Protector and his Council; and with this object John, third Earl of Tweeddale, and Gideon Scott of Highchester, were commissioned by the tutors to proceed to London, for the purpose of giving all necessary information concerning the conduct of the late Earl in relation to the alterations and troubles in both countries, and generally to act as they thought fitting for the purpose of procuring a reduction of the fine, if they could not obtain complete exemption.<sup>2</sup>

The instructions given by the tutors to the Commissioners to guide them in the negotiation were of the same nature as the reasons already urged in the petition. In the event of their succeeding in obtaining a reduction of the fine, they were to request an allowance to be made for the loss sustained by the Countess in giving up Dalkeith House and Park to the English Commissioners, and also for the timber which had been cut during their residence there. They were enjoined, if they considered it requisite, to advise with the Earls of Rothes and Roxburgh, Sir John Scott of Scottstarvit, and Patrick Scott of Thirlestane, and if they met with any serious difficulty requiring a consultation of the tutors, they were requested to inform Sir William Scott of Clerkington, Mr. Laurence Scott of Bavalaw, or Patrick Scott of Langshaw, who would convene a meeting of the tutors to decide on any measure of importance.<sup>3</sup>

A great deal of the information we possess of the progress of the negotiations is derived from papers written by Gideon Scott of Highchester; and as he was a rival of the Earl of Tweeddale for possession of the control over

<sup>1</sup> Vol. ii. of this work, pp. 302-306.

<sup>2</sup> Original Commission, dated 20th May 1654, in Buccleuch Charter-room. John, third Earl of Tweeddale, married Lady Jean Scott, daughter of Walter, first Earl of Buccleuch, and aunt of the Countess Mary.

Gideon Scott of Highchester was a younger son of Sir William Scott of Harden, and father of Walter Scott, created Earl of Tarras for life.

<sup>3</sup> Original Instructions in Buccleuch Charter-room.

the destiny of the young heiress, his statements must be received with caution. His schemes for the furtherance of the interests of himself and his son, which for a time succeeded, brought him into frequent collision with the other tutors, and he never fails to attribute interested motives to those who opposed his policy and endeavoured to thwart his aims.

Respecting the appointment of the Earl of Tweeddale as a Commissioner, Gideon Scott alleges that some of the tutors were reluctant to employ him in that capacity. They were, however, led to acquiesce in this arrangement by the persuasion of Sir John Gilmour, Sir William Scott of Clerkington, and Patrick Scott of Langshaw, and of Mr. Desborough, an intimate friend of the Earl of Tweeddale, who possessed great power in influencing the Protector, both as to the imposition of fines and procuring exemption from them.

In fulfilment of the commission and instructions given by the tutors, Gideon Scott departed for London on 1st June 1654, and met with the Earl of Tweeddale on the Saturday thereafter at Newcastle. Thence they travelled together to London, where Highchester delivered to his Lordship the papers which he produced. Gideon kept a close and constant watch on the proceedings of the Earl, of whom he had a deep distrust, considering, not without cause, that their interests were antagonistic, and suspecting that his Lordship meant to use his influence in London to advance his own views.

On Monday 26th June, the Earl of Tweeddale presented to the Protector the supplication of the Countess of Buccleuch, with the several attestations connected therewith, which were referred by him to his Council at Whitehall, who, on 27th June 1654, ordered that the petition of the tutors be referred to the Committee for the affairs of Scotland, and reported by them to the Council.<sup>1</sup> Along with the petition an additional paper was given in, requesting that his Highness would be pleased to signify his resolution concerning the Countess of Buccleuch's fine, that the Earl might have encouragement to return prepared to give satisfaction therein. He also pleaded for an adjournment of the term for some time longer than the rest

<sup>1</sup> Original Order in Buccleuch Charter-room.



of the cases to be tried in Scotland, both in respect of the fine itself, and as a mark of his Highness's favour. He further requested that if the Protector meant to extend his favour to Sir William Scott of Harden, Patrick Scott of Thirlestane, and Sir John Scott of Scottstarvit, who had also been fined, the notice should be conveyed to them through the Earl, since thereby he would be rendered more useful, as these were special friends and trustees to the children of the late Earl of Buccleuch.<sup>1</sup>

The object of the Earl in presenting this additional paper was no doubt to increase his influence with the tutors, by making it appear that his power had been used to sway the Protector in their behalf.<sup>2</sup> The presentation of this memorial was unknown to Gideon Scott, who, having been informed by a friend of what had been done, suspected that some secret negotiation was being carried on inimical to his interests. He immediately sought the Earl and expostulated with him for having concealed from him part of the business intrusted to both, and for having proceeded in it without his knowledge and consent, notwithstanding their joint commission and instructions. His Lordship excused himself by alleging that he could not get a fit opportunity to inform him. Highchester was determined to have his suspicions of the Earl either confirmed or cleared, and he accordingly sought an interview with Lord Laurence, the President of the Council. He informed his Lordship that the Earl of Tweeddale had given in a supplication to the Lord Protector without his (Highchester's) knowledge or concurrence, which was directly contrary to the terms of their commission, which provided equal and conjoint powers to the two commissioners. "Therefore," he added, "I was jealous of him and amazed what his design might be." He therefore requested the President to permit him to inspect the document, which Lord Laurence refused unless he came accompanied by the Earl of Tweeddale.

The difficulty of getting access to the paper only increased Gideon Scott's

<sup>1</sup> Copy of Articles in Lord Polwarth's Charter-room.

and Langshaw were saved from being fined, through the influence of Tweeddale and his friend Mr. Desborough.

<sup>2</sup> Gideon Scott alleges that Clerkington

suspicion. Frustrated in his attempt to obtain the information privately, he went to the Earl of Tweeddale, and desired his Lordship to accompany him to the Council House, in order that he might inspect the supplication which had been given in, threatening, in the event of his refusal, to report the matter to the tutors. The Earl thereon went with him to the President of the Council. The papers having been produced and shown to Gideon Scott, he was somewhat appeased when he saw that they were the same as those that were subscribed by the tutors, which he was forced to admit. The Earl, turning to Gideon, said to him, "You will believe now, when you have seen them." "It might have been done with less noise," he replied.<sup>1</sup>

The Earl of Tweeddale then remonstrated with him for what he alleged was an unfounded suspicion, asserting that he had no other object in view except the furtherance of the business which had brought them to London. He then demurred to proceed any further in the commission, informing Gideon Scott that he might take it up if he pleased. But this proposal was refused by Highchester, who expressed his willingness to act along with his Lordship so long as the instructions defined by the commission were not exceeded. If we are to trust the statement of Gideon Scott, the Earl "went on still after that by himselfe alone without either advice or concurrence" with him.<sup>2</sup> Both Commissioners seem to have been more intent on watching each other than anxious about the reduction of the fine.

The following letter from the Earl of Tweeddale to Sir William Scott of Harden, informs him of the proceedings in London in reference to the affairs of the Countess of Buccleuch:—

Londone, July 6, 1654.

HONNORID SIR,—Thought I haue often wrott to Patrike Scott to be comunicat to all the tutors in toune, yitt supposing yow may seldome be ther, I

<sup>1</sup> It does not appear that the additional paper was at this time shown to Highchester, but only the supplication.

<sup>2</sup> "Report of Gideon Scott of Heychester to the tutors of the Countess of Buccleuch, of

his going to London with the Earl of Tweeddale anent the Countess's fine of £15,000 sterling," dated at Edinburgh 23d September 1654, in Buccleuch Charter-room.

intend this particular account for yow, that after I had saluted most of the persons of eminency heir the seconde time that I was with his Highnes, I presented the Counttes hir petitione, which he read at great leasure and the testimonie therewith, and remitting them to the Councel promisid to haue a special regard to them, only desird to speak with me at mor leught, beeing then to goe to Councel. The occasione hes not yitt fallen out for ther is a greater distanc heir kipid then is immaginable, bot I hope to know mor of what may be expectid in a few days, if this general petitione of which I doubt not yow haue hard which hes occasiond a referenc of the hole matter of fins to Scotland doe not hinder; bot of this ue shal haue ful certainty in a day or two. Your sone is uery diligent in your ouen particular, and thought I haue bein littel usful to him in it, yit I hope I shal be mor heirafter; and ueryly, without complement, I desire to mak it appear, I am,

Your affectionatly humble seruant,

TWEIDDALE.

For Sir William Scott of Harden.<sup>1</sup>

The Earl gave in a report to the tutors in September 1654, of the manner in which he had executed the commission with which he and Gideon Scott of Highchester had been intrusted. He then formally gave up the commission.

REPORT the EARLE OF TWEDDAILL to the TUTORES OF BUCCLEUCH,  
the 22 of September 1654.

After ten dayes tyme spent in doeing the ordinar civilities to my Lord Protector, and severall of the Counsell, the nixt tyme I had ocasion to sie his Highnes I did present the petition with the Testimonie, which he haveing read, at great leasour, asked conceirning the fortune of that familie, which I assured him would not exceed 5000<sup>lib</sup>. sterling of yeirlie revenue, and that ther was considerable burdeines theron, which could be made appear.

I found lykwayes he had received a bad character of the deceast Earle of Buccleuch, to which I made answer that, notwithstanding any misinformation, I could be able to mak good all that was contained in the Testimonie. The president of the Counsell, my Lord Lawrence, then comeing in, my Lord Protector delyvered him the petition and testimonie, and willed him to cause reid them in Counsell, where a referance was made to the Committe of Scottes effeires alreadie produced.

<sup>1</sup> Original Letter in Lord Polwarth's Charter-room.

What hes bein the result of that Comitte is now so generalie known in the ordinance ishued by his Highnes and the Counsell that I shall neid to say nothing of it. But that before my pairting the Report being made, and ane ordinance apointed to be drawin up, the qualificationes therin was favourable to our interest. That the bussines is not brought to ane fuall ishue, imput not the want of zeall in me to doe service in that familie, nor to any failance in taking that paines was neidfull, bot to personall weaknes and the deficulties of following bussines there with the disadvantage of haveing acquaintance to mak, and to informe my self of the channells of effeires.

Bot for account of youre instructiones, for the first, as it was held forth in youre petition so it not receiveing any particular answer it had bein to small purpose to have insisted therone.

To the second, advyce was takin, as neid was, of such freindes as could be convenientlie had, and there was advertishment sent, as ocasioned offered, of what passed.

The fyft was assayed bot to small purpose.

The two last wer not followed, the bussines not being there to be heard nor determination made.

Only I desyered of my Lord Protector a suspension of the fyne, because the ordinance was not come out, bot could not obtaine it, albeit the first day of peyment was within few dayes.

TWEIDDAILE.<sup>1</sup>

The report having been read at a meeting of the tutors, Highchester declined to subscribe it, alleging that the truth of it was unknown to him, and that the Earl had acted in the negotiation without consulting him, notwithstanding their joint commission. He was accordingly requested by the tutors to give in a separate report at their next meeting. His report was produced on 23d September, and read in presence of the Earl of Tweeddale, who made no objection to it.

The petition to Cromwell was not without result. Although unavailing to procure entire exemption from the large fine imposed, the efforts of the tutors were successful in obtaining a considerable reduction of the amount, which was mitigated to £7000 sterling, instead of £15,000. Additional efforts were then made to secure a further abatement, and a second petition

<sup>1</sup> Original Report in Lord Polwarth's Charter-room.

was prepared and presented. It was accompanied by attestations, in addition to those formerly given in, from the Earl of Lothian and numerous gentlemen of the south of Scotland, and by the letter from Sir Archibald Primrose, given at length in the Memoir of Earl Francis, which cleared the Earl from one of the charges made against him.

An important service was also rendered by Sir Archibald, which bears a somewhat equivocal character. In his official position he had command of certain public documents, the exposure of which would have seriously damaged the case of the Countess of Buccleuch, and which he threatened to make public. The tutors accordingly made arrangements, by which, on paying him the sum of £1000 Scots, he undertook to suppress or destroy these dangerous papers. The record of this transaction may be given in the words of Patrick Scott of Langshaw, who paid the money :<sup>1</sup>—  
 “ Because Sir Archibald Prymrose had dyverse registeres and extracted actes of the Committe of Estates, quhilk he haveing shoared” (threatened) “to some of the tutores to mak publict, which wold have agravated my lordes deportment, and ocassioned litill or no diminution of my ladyes fyne ; for bloting out of such recordes and recoverie of such actes of the Committe of Estaites, be derECTION and advyse of a quorum of the tutores *ad evitandum majus malum* ; and for a testificat under his hand for cleiring that my Lordes subscriyveing of a letter which was particularlie laid to his charge was not in publict committe, but haveing subscriyved a blank paper, was thereafter, when he was gone, filled up be the clerk without his privitie or knowledge, which attestation was the chief ground wherupon we gave in our second petition, and gat doune £1000 sterline. I gave the said Sir Archibald my note of £1000 at demand, which accordinglie I payed, his testimonie of £1000 received from me and the actes heirwith produced.”<sup>2</sup>

Sir John Scott of Scotstarvit also proceeded to London at this time, to

<sup>1</sup> Patrick Scott of Langshaw, General Receiver for the Buccleuch estates.

<sup>2</sup> Buccleuch Chamberlain Accounts, October

1654. The “testificat” mentioned here is the letter from Sir Archibald, printed in the Memoir of Earl Francis.



endeavour to obtain exemption from his own fine, and to support the second petition in favour of the Countess of Buccleuch, and he reported his proceedings in London to the tutors by a written report, dated at Edinburgh, 8th June 1655.<sup>1</sup> Mr. Richard Warde, Clerk of the Bills, a gentleman possessing considerable influence with the Government of the Commonwealth, was also commissioned by the tutors to go to London, and urge many reasons for the mitigation of the fine. He exerted himself to their satisfaction, and brought a good deal of influence to bear on the question. He had a letter, among others, from the Countess of Wemyss to her brother, the Earl of Rothes. Judging from the Earl's reply to Mr. Warde, he was unwilling to commit himself to render any assistance.<sup>2</sup>

Newcastill, the 2 of Novr. 1654.

SIR,—It was my misfortoun to be out of the toun when you did me feaner to cal on me at my oun loudging. I reseued a leter from my sister uithin yours, wherin shie desays me to dou sumwhat which I shall satisfay hir with my not douing of it, and therfor shall giue you no furdur troubell, bot uich you good sucksus in your bousines, and euer remean,

Your most ashourid frind,

ROTHES,<sup>3</sup>

Mr. Richard Warde.

The result of these efforts was the further reduction of the fine from £7000 to £6000 sterling, the first half of which was paid on 25th June 1655, and the remaining £3000 on 29th September in the same year.<sup>4</sup>

The young Countess of Buccleuch became at a very early age the centre for a host of intrigues for the disposal of her hand in marriage. Gideon Scott

<sup>1</sup> Original in Buccleuch Charter-room.

<sup>2</sup> The Commission to Richard Warde is dated 24th and 31st October 1654. He sent a long report of his proceedings to the tutors on 7th June 1655.—Original Report, Commissions, and relative instructions in Buccleuch Charter-room.

<sup>3</sup> Original Letter in Buccleuch Charter-room.

<sup>4</sup> A considerable outlay was incurred in these negotiations. Mr. Warde was paid £3600, Sir Archibald Primrose received £1000, the Earl of Tweeddale £2647, and the tutors ordered £1000 to be paid to Gideon Scott, over and above the expense of the journey to London, which cost £2400, all Scots money, besides a number of smaller payments.

of Highchester enumerates no less than six schemes besides his own, which was successful. His chief rival, of whom he had most fear, was the Earl of Tweeddale.

The Earl was disappointed on discovering that he had not been appointed by the late Earl of Buccleuch one of the tutors to his daughter. He was thus deprived of much of the power and influence which he would have possessed in the management of her affairs. His own children being next heirs of tailzie to the estates and honours of Buccleuch, it was not unlikely that he contemplated, as he is said to have done, a marriage between the Countess of Buccleuch and one of his own sons. He therefore evinced a strong anxiety as to the disposal of the young heiress, and endeavoured to enlist her mother, the Countess of Wemyss, in his cause, by showing her that their interests were identical. He wrote to the Countess from London in July 1654 :—

Londone, July 6, 1654.

MADAME,—Hawing bein at payns in your dawghters affairs, and doubting it shal occasione yitt much mor befor it come to a wished for periede, I desire to take occasione to remimber your Ladyship that hithertills I haue bein mead a cypher as to all things concernd that family, which how it hes come is possibly better knouen to your Ladyship. And I desire not to charge any with unkindnes, yit hawing now wrott to some of the frinds that I may for the future haue this sattisfacione that by my advice thos children may only be disposid of, sine to them I haue giuen such testimonie of my affectione. I hope, madame, in this particular yow will consent to admitt of the neirest frinds my lord and yow hauc as one my wife and I, and will contribut all yow can with them for my sattisfacione: and as I can not doubt your Ladyship will giue this testimonie of your remimbranc of kyndnesis doune, soe I can not see how your interests and mine at any time shal be separate in the disposal of thos persons, if ue haue both befor ws ther personal wealfaire, and that of the family, which ar uncheangable in the heart of,

MADAME,

Your affectionatly humble serwant,

TWEIDDAILE.

For the Countess of Weims.<sup>1</sup>

<sup>1</sup> Original Letter in Lord Polwarth's Charter-room.



He also wrote soon afterwards to Sir William Scott of Harden, expressing his dissatisfaction that he had hitherto been excluded from a share in the management of the affairs of the Countess of Buccleuch, and his anxiety about the disposal of her and her sister, as to which he plainly intimates a strong desire to be consulted:—

London, July 13, 1654.

HONNORID SIR,—I can ade littel to my former in relatione to bussines heir, beeing loath ether in my Lady Bucclewghts, or yours, to giue sudden and uncertaine ground of hope; bot finding now myself ingadgid in the affairs of that family, and yit much mor by my neir relations therto, I shal use freedome with yow that thought I haue bein a stranger hithertills to euery thing concerns it, yit sine that hous ought to be as dear to me as any in the wored, I desire not to mak my self one: and becaws the disposal of the young ladies is a matter of the greatest concernment, wherin no advise was askid, and that I haue my ouen apprehensions that it is hight time to consider therof anew: and I desire for the futture yow uold not estrange from the family the nixt to it, bot study, in some measure, the satisfacione of thos whom onc yow had likways trust of from Walter Earel of Buccleught, and to whom yit yow haue tays of affectione, which will neuer fail one hir part, nor one the part of

Your affectionatly humble serwant,

TWEIDDALE.

I did not know all your happines befor now that haue occasione of mor intimate acquaintanc with your sone, and of him doe judge of the rest.

For Sir William Scott of Harden.<sup>1</sup>

The efforts which the Earl of Tweeddale made to gain adherents among the tutors, are described by Gideon Scott, who puts the worst construction on the motives of the Earl. "Few did suspect," he says, "at this time,<sup>2</sup> how strongly and secretly my Lord Tweeddale had insinuat with these men who professed so highly for the interest of the family of Buccleuch; nor could any

<sup>1</sup> Original Letter in Lord Polwarth's Charter-room.

<sup>2</sup> The time when the Earl of Tweeddale was appointed jointly with Gideon Scott by

the tutors of Countess Mary, to proceed to London for the remission or mitigation of her fine.

without breach of charity (at that time) suspect them; nor what was my Lord Tweeddale's design under covert of that employment, until it did appear afterward at London by his underground machinations, and his clandestine actings apart from Heychesters, who was joined in commission with him." "By these, and the like," he adds, "it did appear that he was insinuating with these in power to wrest the two young ladies out of their mother and tutors' custody, that they might be the more obnoxious to his disposal, or other desigus: and for that effect was ingratiating with the Protector to have the power and disposal of the fines of these tutors who were fined (for his two special trustees, Clerkintown and Langshaw, were kept from being fined, which Mr. Deisborough, another of his complices, could as easily do as help his opposites to be fined), that he might thereby have them in his reverence, and either oppress them or mancipat them to his designs: all which was obviated by Heychesters and made known by him to the President of Oliver's Council and others, and to the tutors when he came home. Whereby my Lord Tweeddale's hopes seemed to be quite dashed at that time, until they were afterwards revived by the industry and sly practices of his secret friends and complices."

He makes a serious charge against Langshaw, the agent of the Countess, of cancelling, or at least suppressing the report given in at first by my Lord Tweeddale to the tutors, and receiving another, which was more favourable, privately from him, and subscribed by him instead of the former; which Langshaw produced to the tutors nearly two years thereafter, being required thereto by Highchester, "and thought to have come off so by swearing a great oath (though none required it of him nor did accept thereof), that it was the very same report which my Lord Tweeddale gave to the tutors and subscribed at first, the contraire whereof was attested by Heychesters, and proven by the testimonie of Sir William Scot, Sir Gilbert Elliot, Gorrinberrie, and Thirlestaine, and instruments taken thereupon by Heychesters in a publick notar's hand before witnesses."

"Another artifice which Clerkintown and Langshaw used for salving m[y]

L[ord] T[weeddale's] reputation was their dissembling friendship for Heychesters, in moving that he might not be further troubled with so long and tedious a journey and employment to the neglecting of his own affairs at home, wherewith Sir William Scott of Harden, his father, and himself were easily satisfied: notwithstanding that Heychesters had gotten applause in words even to excesse from these men, of his faithful and vigorous prosecuting of his trust, and that he was likeliest to follow out that businesse effectually, he having already made a good progresse therein; and their persuading the tutors to employ Mr. Warde, a stranger both to the family and their businesse, whom they thought their confident, Mr. Deisborough, could overawe."<sup>1</sup>

If there was any grievance here it was shared with the Earl of Tweeddale, who does not appear to have been employed by the tutors on the second occasion. Mr. Warde was chosen to represent them, as he was believed to possess much influence with the Government. The older tutors, Scottstarvit and Clerkington, probably suspected the motives of both the rivals.

Highchester, who continually lauds the purity of his own motives, and denounces the sinister designs of his opponents, was using every means to strengthen his own position. He had gained the support of the Countess of Wemyss, and an understanding was arrived at between them for the purpose of out-manceuvring the Earl of Tweeddale and the tutors who were opposed to their designs. After the meeting of the tutors already noticed, he sent, on 25th September 1654, a report of the proceedings to the Countess of Wemyss, expressing his belief that the Earl of Tweeddale was bent upon wresting the Countess of Buccleuch and her sister from the guardianship of the Countess. He insinuates that the Earl, to promote his designs, had induced Mr. Desborough to give credence to the report that the Countess intended to deliver her children into the hands of the enemies of the Commonwealth.

<sup>1</sup> "An Information of the condition of the familie of Buccleuch and the most remarkable occurrences therein, from the 14th of

June in the yeare 1650," by Sir Gideon Scott of Highchester.—Original in Lord Polwarth's Charter-room.

His representations are all calculated to increase and intensify the distrust which the Countess of Wemyss already bore to the Earl of Tweeddale, who, he warns her, is continually intriguing to gain the custody of the Countess Mary and her sister.<sup>1</sup>

There appears a continual apprehension on the part of the Countess of Wemyss and Highchester that the Earl of Tweeddale would succeed in getting control over the children. She writes to Highchester:—

Wemyss, 18 September (1654).

MUCH HONORED FRIEND,—It hes plesed the Lord to afflick me with sicknes that this awght days I was not able to goc out of my chamber, bot my distemper is litle truble to me in regaird of it self, bot not a litle in that it kieps me from being able to wat on yow all, now when we are lyk to haue so much to doe. The Lord God of counsell and wisdooom direct yow, for ther is no les aimed at then the ruin of my yung children, and the puting yow all that hes lawfull pour out of your stesion therin. Bot all my houp is that the Lord, uho knos your honost affection to thes young ons, uill preuent ther couetous auarrice which vell euer be the preyer of

Your trwly obliged affectionet seruant,

MARGARET LESLIE.

If ye can com on day to me when ye haue lesur, I wold say much I canot wret. Bot for my obligasions to yow I most be silent.

For my honored friend, Gidion Scot of Haychester.<sup>2</sup>

It was of the utmost importance for the triumph of Lady Wemyss and Highchester, that the children should remain in the power of the Countess of Wemyss and her relatives, and they resolved to invoke the interference of the Protector in their favour. The Earl of Wemyss proceeded to London and presented a petition to Cromwell, from the Countess of Wemyss, praying that she might retain the custody of her daughters until they had attained the age of eleven or twelve years. The petition is as follows:—

<sup>1</sup> Copy Letter in Lord Polwarth's Charter-room.

<sup>2</sup> Original Letter in Lord Polwarth's Charter-room.

To his Highnes the Lord Protector of England, Scotland, and Ireland, etc.  
The humble Peticion of Margaret Countess of Wemyss.

SHEWETH,—That your petitioner hath beene made choice off by the tutors or trustees of her two daughters, heires to her late husband the Earle of Buccleuche, as the fittest person for their education. Neverthelesse a stroug endeavour hath beene made by the Earle of Tweiddaile, att a late meeteing of the said tutors att Edenburgh, to remoue them forthwith from her for the future, hee being none of that number, and that for certaine ends of his owne, his sonne being the next heire male to that family. Your petitioner doth humbly conceiue that none on earth can be soe carefull to bring them vpp in the feare of the Lord and in all vertue then your petitioner. If it shall be otherwise ordayned, shee humbly leaues it to your Highnes to iudge what a heart breake it will be to her, they being tender and weakely children; and further, it being declared by the lawes of Scotland that the neerest of kynn is expressly prohibited from the trust of heires.

Her humble suite therefore is that your Highnes would be gratusly pleased to recomend by way of letters to the aforesaid tutors or trustees, to continue her with the said trust vntill her said daughters haue attayned the ages of 11 or 12 yeares, the eldest being alredy going on eight.

And shee will euer pray, etc.,

*Margaret Wemyss*<sup>1</sup>

To this petition a favourable answer was returned by Cromwell in the following letter to Sir William Scott of Harden and the remanent tutors, recommending the same to their favourable consideration:—

White Hall, the 17th of November 1654.

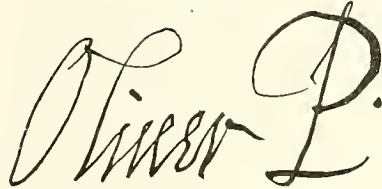
GENTLEMEN,—Having received the inclosed peticion from the Countesse of Wemyss concerning her two daughters, heires to her late husband the Earle of Buccleighe, that the educacion of them may be intrusted and continued to her vntill they attayne vnto the age of eleaven or twelue yeares respectiuely, which seemes to vs to be very reasonable, her Ladyships relacion to those heires being

<sup>1</sup> Original Petition in Lord Polwarth's Charter-room.



such as none can be presumed to be more fitt and meete for that trust, nor that wilbe more carefull in the mannagement thereof; and therefore we cannot but recomend the same to your consideracion, and rest

Your loveing Freind,


 A handwritten signature in cursive script, appearing to read "Oliver P." with a large, decorative flourish at the end.

For our loveing freinds Sir William Scott of Harden, and the rest of the trustees and tutors of the heires of the late Earle of Bucklue—These.<sup>1</sup>

The recommendation by the Protector was laid before a meeting of the tutors on 6th June 1655 by the Countess of Wemyss, who was present. This meeting was arranged for the month of April, but was adjourned at the request of the Countess of Wemyss. A letter was also produced from the Earl of Rothes, her brother, expressing his regret that pressing affairs kept him in London, and prevented him from being present at the meeting; and thanking the tutors for their great respect to his sister, and for their care and fidelity to their trust of the Countess of Buccleuch's affairs, and wishing that for the continuance of her and her sister's good and well-being, their abode might be continued with their mother.

The tutors having considered these communications, decided unanimously that, considering the great motherly care and affection of the Countess of Wemyss to her daughters, and her former good carriage towards them in their breeding and education, and in respect of the continuance of their health and good condition, they should remain with her until the eldest should be at least ten years of age, and longer thereafter during the tutors' pleasure.

At the same meeting a letter was read from the Earl of Tweeddale, who was evidently chagrined at the failure of his projects to gain such influence over the action of the tutors as would further his own schemes.

<sup>1</sup> Original Letter in Lord Polwarth's Charter-room.

Dumfermling, 4 June 1655.

HONNORID FRINDS,—Knowing how littel my pressenc with yow att this time could signify to the settling of the abode of the Countess of Buccleught, or the good of any the affairs of that family, and hawing sufficiently exonerid my self in that particular, I choose not to occasione unprofitable debait, beeing resolwed to submitt in my judgment to wiser, and in my will to higher, pouers, and to desire that God wold direct yow, in the particular yow meet for, shal be the only part of

Your affectionatly humble Serwant,

TWEEDDALE.

To his much honorid Sir William Scott of Hardeen and the rest of the trustees and tutors of the Countes of Buccleught.<sup>1</sup>

The account of these proceedings by Gideon Scott of Highchester may also be given, due allowance being made for his strong prejudice against the tutors.

“The tutors (considering the tendernesse of the young ladies) were willing to have it so, having no reason then to doubt but their mother would be most tender of their welfare and health, and that in her custody they would be freest from the sinistrous attempts of any, but especially from him whose children were next airs of tailzie, who had made it his work to wrest the young ladies from their mother and tutors. Yet Clerkintoun and Langshaw did so uncessantly cajole old Sir William Scot of Harden (who had power over most of the other tutors) into a confidence of their honestie and integritie, that they prevailed with him (and consequently with the rest) that my Lady Weems’ trust of her children should be but only for one yeare, and said that they could easily and would renew that trust again yearly, which was done accordingly for one yeare; but afterwards it was found to be but a device of theirs for keeping the ladies unsettled as to their abode and custodie, untill they should be eleven or twelve years old (for at this time the one was about eight and the other about five years old), and untill my Lord Tweddail’s designs were ripe for snatching them from their friends and tutors, which was afterwards prevented (as ye shall heare) by setleing their abode with their mother untill they were twelve years of age compleate.”<sup>2</sup>

<sup>1</sup> Original Letter in Lord Polwarth’s Charter-room.

<sup>2</sup> Information by Sir Gideon Scott.



This is not a fair representation of what took place at the meeting. According to the entries in the Book of Sederunt, the tutors had on former occasions given permission for the custody of the children from year to year, renewing their consent annually. But at the meeting in June 1655, at which the letter of Cromwell was read, they decided unanimously that both children should remain with their mother until they were ten years of age, the Countess of Buccleuch being then scarcely eight, and her sister five. The entry for the 6th June 1655, at which meeting the Countess was present, is as follows :—

“After reading and consideration of all the letters and petition, and withall considering the Countess of Weymes her great motherly care and affection to her daughters, and former good carriage towards them in their breeding and education; and in respect of the continuation of their health and good condition, the tutors, according to the trust put upon them by the late Earl of Buccleuch's testament, and to my Lord Protector's recommendation by his letter for the education of the two young ladies, have all of one consent, and also with the approbation of the noblemen and friends present, does resolve that the two young ladies should yet still remaine and abyde with the Countesse of Weymes their mother, whill they, at least whill the eldest be of the age of ten yeirs compleit, and longer thereafter during the tutors' pleasure and their trust.”<sup>1</sup>

An augmentation of the allowance to the Countess of Wemyss for the board and education of her daughters was also made at the same meeting.

Allusion has already been made to the gift to Lord Tweeddale by the tutors of the sum of £2647 Scots, being a remission of two years' interest of the principal sum which he was indebted to the late Earl of Buccleuch, as a recompense for his services in negotiating the reduction of the fine. This proceeding, which appears simple enough, has another signification to Gideon Scott. He sees in this transaction “a slye motion of Clerkintoun and Langshaw to old Sir William Scott and the rest, viz., that for peace and concord, and to oblige my Lord Tweeddale hereafter (which they said they were confident it would do), they would give him an honourable

<sup>1</sup> Sederunt-Book of the Tutors.

allowance for his having gone to London in the Lady's affaires, and to forget all that was past, which was easily condescended to by the tutors, they in charity judging that it might prove so. But the design of that motion was to gain that which they durst not require in plain language, viz., an effectual approbation of my Lord Tweddail's carriage in that employment, which the gratifying him for his pains and travell with a considerable sown of money, and marking it under their hands in the sederunt, did clearly import: whilst in the meantime, although they loaded Heychester with specious words and applause for his fidelity and diligence, yet they never so much as offered him the expenses of his journey till a long time after, that some of their number put them to it, which Heychesters was not seeking, nor did value, nor accept of when offered, being unaccustomed to serv for hire.<sup>1</sup> Neither did Langshaw (who had the trust and the writing of all that was done and past by the tutors under their hands) so much as ever mark in their sederunts, or other papers unto which the tutors put their hands, anything that might in the least import that which they all spoke frequently and with open mouth, viz., that Heychesters had carried himself faithfully and dutifully in his employment at London, untill about a yeare thereafter, that Heychesters perceiving their drift, did put them to it, and offered himself to their strictest examination in order to exoneration and approbation; and thereupon required their verdict under their hands, as to his diligence in that employment, which none of them could then refuse, unlesse they had discovered themselves too early: whereupon all the tutors (except Scotstarvett, who was then at London) did unanimously and in ample termes under their hands approve, exoner, and thank Heychesters for his care and fidelity in his said employment."<sup>2</sup>

<sup>1</sup> He certainly did receive payment for the expenses of his journey in 1654, and acknowledges in his report to the tutors that he had retained £65 sterling of the amount remitted to London. The agent of the Countess of Buccleuch was also instructed by the tutors

to pay him the sum of 1000 merks Scots in addition, but there is no evidence of his having received that sum. He was playing for a higher stake.—Sederunt Book of the Tutors, 21st December 1655.

<sup>2</sup> Information by Sir Gideon Scott.

Towards the end of the year 1655, Sir William Scott, elder of Harden, one of the three old tutors, two of whom were always to be of the five or quorum, died. Clerkington and Langshaw had been intrusted with the custody of the charter-chests, and all the accounts of the tutors and other papers belonging to their discharge for their intromission and their trust and office of tutory. After the death of Sir William, these two tutors, says Gideon Scott, "gave cleare ground to suspect their sinistrous purposes, by drawing Scots-tarvett (the other of the two *sine quibus non* then in life) and Bavalaw to their faction, who all four had infest their children in their estates, whereby they were not so responsible for their malversation as the rest of the tutors, of whom none then had done the like." They also refused, when required by way of instrument, to intrust equally with the foresaid charter-chests, accounts, and other papers, Harden, Stobs, Highchester, Gorrinberrie, and Thirlestaine. This made the said five south country tutors, he adds, "suspect that the Lothian tutors intended to keep them in their reverence as to their discharge and exoneration of tutorie, and thereby to make them obsequious to whatsoever unwarrantable design the four Lothian tutors should contrive." Thus the nine tutors were divided, "the four Lothian tutors on the one partie, whereof the two *sine quibus non* were two, and the five south country tutors on the other, and neither partie could make a quorum."<sup>1</sup>

Highchester gained over to his support the whole of the south country tutors. Thus being divided into two equal parties, Gideon Scott was afraid that his purpose might be thwarted by the opposition of Scottstarvit and those of the Lothian tutors who supported him. He therefore decided on a bold stroke of policy. He induced the Countess of Wemyss to come over to Edinburgh to the next meeting of the tutors, and surprise the four Lothian tutors by demanding of the whole meeting the settlement of the custody of her two daughters, their pupils, with herself, until they were twelve years of age respectively.

The Countess of Wemyss acted on this suggestion, and made her demand

<sup>1</sup> Information by Sir Gideon Scott.

personally at the meeting of tutors held at Edinburgh on 13th August 1656. No opposition seems to have been offered by the tutors to this proposal. If any intention existed on the part of any of them, as alleged by Gideon Scott, to remove the Countess of Buccleuch and her sister from the custody of their mother, no signs of such intent are shown in the proceedings recorded. The tutors had been, from the time of the death of Earl Francis, reluctant to give up the absolute control over the young heiress to her mother, and had, as already related, renewed their consent annually to her continuance with the Countess of Wemyss, thus reserving power to interfere and alter the guardianship if that should become necessary. At a previous meeting the time had been extended till the children should reach the age of ten years. On the present occasion the tutors decided, "with one consent," to agree to the request of the Countess to retain the custody of the children until they reached the age of twelve years.

The following is the minute to which the tutors agreed on this point :—

"Edinburgh, 13th August 1656.—All the tutors present, the Countess of Weymes also personallie present, and the tutores taking into consideration the desyre of the Countess of Weymes, now present, that the tyme of the custodie of her childrein, the Countess of Buccleuch and her sister, Lady Anna, be yet further continewed with her Ladyship, the haill tutores, with one consent, have thought it most requisit that the said two young ladyes abyd in the custody of their mother, the Countess of Weymes, untill they be of the age of twelff yeires compleit respective ; and for severall weightie reasones moveing the tutores, they do hereby recommend the custodie of the said young ladyes, their pupils, untill they be of the age of twelff yeires respective, unto the said Countess of Weymes, ther mother, being confident that her Ladyship (as she hes hitherto done) will continow her speciall and tender care of the said young ladyes her daughteres, there persones and education, etc."<sup>1</sup>

Meanwhile Clerkington, another of the three *sine quibus non* tutors, died on the 22d December 1656. This event gave the majority to the party which supported Highcheester. An alteration was made respecting the custody of

<sup>1</sup> Sederunt Book of the Tutors.

the charter-chests, which were appointed to be still kept in the Countess's chamber in Langshaw's house, where the tutors usually met. The accounts and other papers relating to the intrusions of the tutors were put into one of them, and the keys of the chests placed in the custody of Sir William Scott of Harden and Sir John Scott of Scottstarvit.<sup>1</sup>

The death of Clerkington left Scottstarvit the only remaining tutor of the three named in the testament of Earl Francis, of whom two were *sine quibus non*. He now claimed to be tutor *sine quo non*, and to have a negative vote in all the proceedings. To this claim the other tutors demurred, and the opinion of counsel was taken. Sir John Gilmour and four other lawyers consulted gave their opinion adverse to the claim of Scottstarvit, who, however, would not concur, and deserted the meetings of the tutors for some time.<sup>2</sup>

The Countess of Wemyss, on hearing of the misunderstanding that had arisen between Scottstarvit and the rest of the tutors of Countess Mary, her daughter, wrote to him a conciliatory letter. Shortly after she also wrote a letter to Gideon Scott informing him of this, and she beseeches him to beware of the designs of the Earl of Tweeddale:—

Wemyss, 6th Jana[ry] 1657.

HONORED SIR,—My Lord Scotstarvit wrets to me last day that he is going to quyt the tutorie, becaus he is not lyk to carie his doing of being still *sine quo non*. I haue ureton to him that I uish he may not be so onaduyed as ather to quyt

<sup>1</sup> The Buccleuch Muniments have on more than one occasion narrowly escaped destruction. They were removed from Sheriffhall to Edinburgh on the marriage of the Countess-Dowager to the Earl of Wemyss, and were stored in a room hired for that purpose, from which they had to be hurriedly removed on two different occasions, on the occurrence of fires in Edinburgh which endangered their safety. Reference has already been made to their removal to the Bass in 1651. On the occasion of the insurrection in the west in 1666,

which ended in the battle of Rullion Green, near Edinburgh, and on account of the presence at that time of a Dutch squadron in Leith Roads, the Charter-chests were placed for safety in Edinburgh Castle. The Chamberlain Accounts contain disbursements for gratuities to the soldiers, and a sum of £15 sterling "for a piece of silver plate to my Lord Lyon, keeper of the castle, for their care and paines."

<sup>2</sup> Sederunts of the Tutors of Mary, Countess of Buccleuch.



that or pretend to mor then is the uill of the dead, uho put that trust on yow all. What he uill ansuer, or doe, I kno not, bot I am confident God uill dereet yow to doe uhat ye intend which is absolootly my childrens good. Sir, I hier the Laird of Grenhead is going for London, and I intret yow to desyr him to haue ane ey on Twadell and his desings, forr he is not ydell to our hurt if he haue pour, bot my confidence is in him who hes alredie disapoynted his malisious intensions against me and myn, and uho I houpe uill still doe so. My most humble seruice to your brother, and estiem mee your uery affectionet seruant,

MARGARET LESLIE.<sup>1</sup>

At last Scottstarvit, yielding to the desire of the Countess of Wemyss, passed from his claim of being tutor *sine quo non*; but in a letter written subsequently to the Countess he expresses regret at the course which he had taken at her request, as the removal of the check of his negative vote had given facilities for mismanagement of the Buccleuch estates:—

23d April 1658.

MADAME,—Albeit at your last desire after the death of Clarkintoune, I condescended, for peace amongst us, to let the controversie sleepe betwixt the tutors and me till the expiring of our pupill's tutorie, yet have since found that they have concluded amongst themselves to ingrosse her Ladiship's estate to themselves and friends without me; and hath at this last meeting made ther own brother, Braidhauche's sone-in-law, Chamberlaine of the Forest, and to sett him downe in hir house of Newarke, and given him the rent thereof fore his fie (which might have been well doune by Braidhauche's selfe, who hath neare ane hundreth pounds sterling in pensione and fie yearly).<sup>2</sup> I thought fit to acquaint your Ladishippe with ther procedings that you may not be ignorant of the same, wich your Ladishippe would be pleased to consider of the particulars hereto subjoined with the reasons; and to take soume speedy recourse as may teind best to the advantage of your Ladiship's daughter, and to bear witness of my care of that estate when I am gone; for if ye had suffered me to have prosecuted my own right by law, and your Ladishippe had concurred with me therin, none of thir things would

<sup>1</sup> Original Letter in Lord Polwarth's Charter-room.

<sup>2</sup> Scottstarvit protested, at the meeting of tutors, against the appointment of Harden's brother, but was overruled.

have fallen out, and any prejudice that comes to my pupill therby, I take God to witnesse that I am free of it. Expecting to hear your Ladship's minde with the bearer, and wishing your Ladshippe and all your noble family, with my pupill and her sister, all happinesse,

I am,

MADAME,

Your humble servitour,

SCOTTISTARVETT.<sup>1</sup>

At this time Mr. George Hutcheson, minister of St. Giles', Edinburgh, who had been one of the Commissioners sent to Breda to negotiate with King Charles the Second, dedicated his "Exposition of the Gospel of John," printed in 1657, to Mary, Countess of Buccleuch, and her mother the Countess of Wemyss. The dedication sets forth that—

It hath been of old foreprophesied that in the perilous latter times there should be many murmurers and complainers (Jude ver. 16), who are seldom, if at all, satisfied with their lot and with the dispensations of God towards them, and that because (as is there added) they walk after their own lusts, and so cannot but quarrel what doth cross them in that woful course, and complain of their best and most useful enjoyments if they find not that satisfaction which they lust after in them, and we, in our times, have but too many sad experiences of distempers of this kind, evidencing the corrupt frame of our hearts, and our great distance from God occasioning these distempers. But right discerners will judge otherwise of the Lord's dealing; they will submit unto, and acknowledge mercy in, what is profitable, though it be not pleasant, but grievous; they will read and acknowledge mercy in what they feel and suffer, when they consider how much more they deserve; and they will admire the mercies which are remembered and continued with them in the midst of wrath. Humility as it is a safe grace, and layeth a man low, beneath the violent blasts which shake the lofty cedars, so it is free of that unthankfulness wherewith pride is attended and plagued.

At considerable length the author describes the uses of adversity, and the consolations derived in our misfortunes by the practice of piety. He

<sup>1</sup> Copy of Letter in Lord Polwarth's Charter-room.



then bewails the prevalent hypocrisy of the time, that "since the profession of religion hath been in any reputation among us, how frequently do we find men make use of a pretence of piety to render their vilest errors plausible, yea, to carry on their selfish and carnal designs, whence it has come to pass that innocent and lovely holiness suffers for their sake," and is "so generally stumbled at through them." After further describing the scope of the work, he proceeds—

I have made bold to present it to the world under your honourable names, and to join you together in this dedication whom God hath conjoined in the strict bond of nature, which is daily confirmed by that mutual respect, tenderness, and affection, which you bear one towards the other.

It is not much my way, and I know your honours do not expect it, that I should stuff this application with large commendations of you, or with acknowledgments of your respects to myself, and your kindnesses towards others of my relations; my great scope in it is, so to encourage you in the good way wherein both your honours are engaged in your several measures, as to excite and engage you yet more to improve your eminency (as you are or may be capable of this service), for the advancement of Christ's interests in this backsliding and degenerate time; not that Christ needeth any such help, who by weak things can confound the mighty, and by things that are not bring to nought things that are, but that it is your own true honour and interest not to be among those nobles of Tekoa who put not their necks to the work of the Lord, but to subject yourselves unto Him, and lay out yourselves in your stations, for promoting His kingdom and the advancement of piety and the work of the gospel.

As for your honour, my Lady Weems, all the lovers of Christ in Scotland do with thankfulness remember their obligations to your late father, the right honourable Earl of Rothes, of precious memory, whom the Lord raised up to be a prime instrument in the late Reformation, and who spent himself, till his last breath, in that public service. And those who know your ladyship best will bear witness that you have endeavoured in your sphere, to trace his steps, not only in your private and secret practice, but in your open countenancing and encouraging of godliness and honest ministers of the gospel at all occasions; wherein I trust you shall be helped to persevere and abound unto the end. Your honour hath received many favours from the Lord, particularly that he hath made you a joyful

mother of children, who are (the Lord continuing their life, for which I pray) to succeed in several honourable families of the land, beside those of them who are, or may be placed in other families by marriage, which, I doubt not, you look upon as a strong obligation to lay forth yourself that they may prove friends to truth and piety in their station and generation; in subserviency whereunto I have presented this piece to your ladyship, as containing a brief hint at many of those precious truths which are necessary to salvation, and useful to be inculcated upon those who mind the way to heaven.

And for your honour, my Lady Buccleuch, albeit by reason of your young and tender years, many of those truths here presented may transcend your capacity for present, yet as your grave, prudent, and sweet disposition and behaviour, your opposition to profanity, and respect to the Sabbath-day, and your careful observance of such duties of religion as your tender age is capable of, do much refresh those who are concerned in you and converse with you (as being things not usual in so tender an age, especially in one who wants not sufficient baits of worldly advantages and contentments to divert you), and do give good ground of hope that, if the Lord continue you, you shall prove an ornament to your dignity and station; so it hath engaged me to prefix your name also to this piece as an incitement to you to proceed in that good course, and that your ladyship may have a help ready at hand, from whence, as you grow up, you may drink in that sound doctrine which is according to godliness.

Now that the Lord himself may bless you both, in all your relations and concernments, may continue you long together, may make you a blessing to each other, and may bless this and the like means unto you, for your furtherance in faith and godliness, till you come to your eternal rest, is the hearty prayer of

Your honours' obliged servant in the gospel,

GEORGE HUTCHESON.

As an encouragement to the author, and in acknowledgment of his dedication, the tutors of Countess Mary, on 30th November 1658, ordered payment to be made to him of 400 merks.

The policy of Gideon Scott of Highchester and the Countess of Wemyss, as to the custody of the two young ladies, had so far been successful. It now only remained for them to make use of the advantage gained by the custody of the Countess of Buccleuch being confided to her mother, until

she was of the legally marriageable age of twelve years. A number of designs were projected by various persons for her disposal in marriage. Of these the most formidable, and that which occasioned most fear to the Countess of Wemyss and Highchester, was the proposal to marry the Countess of Buccleuch to the son of the Earl of Tweeddale. According to the statement of Gideon Scott, the Earl was still intent in prosecuting this scheme, and had gained to his support three of the principal judges,—Brodie, Dalrymple, and Ker,—and also the chief legal adviser of the Countess, Sir John Gilmour, besides having secured in England the influence of General Lambert. His success was therefore not improbable, and Gideon Scott was much alarmed at the favourable prospects of Tweeddale.<sup>1</sup>

Highchester also alleges that Scottstarvit had a design to marry the Countess to his son, or one of his grandchildren, but that, being disappointed in that scheme, he proceeded to London, and representing himself as the tutor *sine quo non* having the disposal of the greatest heiress in Britain, he offered her to the son of Mr. Scott of Scottshall, in Kent. John Scott of Gorrinberrie is also said to have made overtures to the Countess of Wemyss to promote a marriage between his son and the Countess of Buccleuch.

A proposal was also made for a union between the Countess and Lord Kerr, son of the Earl of Lothian;<sup>2</sup> and the Earl of Rothes appears to have given some encouragement to a project for an alliance with one of the Howard family.

Mr. Robert Baillie mentions in one of his letters the expectation of a marriage between the Countess and the heir of the Earl of Eglinton. But

<sup>1</sup> The Earl of Wemyss, in a letter to Highchester, dated 3d June 1659, states that in the previous year Tweeddale had tried to persuade him to "befreind him in geting my Lady Buckleuch to his owin sone, and I sould cutt and carve in his estate to doe the same: yea he sould subscriyve anc blank to me for that favor." Copy Letter in Lord Polwarth's Charter-room.

<sup>2</sup> A document dated 1658, in Lord Polwarth's Charter-room, designated "Ane adnyse of a freend to the Countesse of Lothiane," contains a number of suggestions in favour of a marriage between the Countess of Buccleuch and Robert Lord Kerr, afterwards Marquis of Lothian.

‘the Earl of Eglinton’s heir, the Master Montgomrie, convoying his father to London, runs away without any advyce, and maries a daughter of my Lord Dumfries, who is a broken man, when he was sure of my Lady Balclough’s marriage, the greatest match in Brittain; this unexpected prank is worse to all his kinn than his death would have been.’<sup>1</sup>

The Countess of Buccleuch was now eleven years of age, and in a few months the time allotted by the tutors for her continuance in the custody of her mother would elapse. In the meantime the intrigues of the Earl of Tweeddale might become successful, and the plan of the Countess of Wemyss and her friends be frustrated. They determined therefore by a bold stroke to anticipate the age at which the Countess might legally marry, and to hasten and complete the celebration of her marriage with Walter Scott, eldest son of Gideon Scott of Highchester, before she had completed the twelfth year of her age. Walter Scott was born on the 23d December 1644, and only in his fifteenth year. Their proceedings were conducted with the utmost secrecy, and concealed from the tutors who were not favourable until it was too late for any effective interference.<sup>2</sup>

The Earl of Wemyss wrote in his own name and that of the Countess, requesting Highchester’s presence at the Wemyss with his eldest son. Highchester went first alone, and arranged that his son should be taken there on his way to the College of St. Andrews. The youth, who was then fourteen years of age, accordingly visited the Wemyss, and was detained

<sup>1</sup> Letter to Mr. Spang, written apparently in June 1658.—Baillie’s Letters, vol. iii. p. 366. Highchester in his narrative states that Mr. Desborough sent a threatening message to Lady Wemyss “if she should dispose of her daughters to the enemies of the Commonwealth (meaning my Lord Montgomerie).” Desborough is said by Highchester to have attempted to gain the hand of the Countess for his own son.

<sup>2</sup> So well were the preparations concealed

from the opposing tutors, that, according to the statement of Highchester, Scott of Gorrinberrie, one of these tutors, brought his own son to the Wemyss only two days before the marriage, in order to propose to the Countess of Wemyss a marriage between his son and the Countess Mary, “and when he saw the bridegroom and the tutors and friends, he went away impatient through shame and disappointment.”—Information by Sir Gideon Scott.

there by the Countess of Wemyss three or four days. During that time, says Highchester, he gained the affection of the young Countess of Buccleuch, and the favour of her mother and all her relations.

A meeting was afterwards convened, consisting of the husband and relations of the Countess of Wemyss, the Scotts of Harden, and Highchester, and Sir Gilbert Elliot of Stobs, with Patrick Scott of Langshaw, and Laurence Scott of Bavelaw, two of the tutors, who having been induced to support the scheme, were now consulted as to its being carried into execution. It was decided that no time should be lost in proceeding with the marriage.

Mary, Countess of Buccleuch, around whom these various schemes were moving, was of a weakly constitution, and judging from the frequency of entries of payments made for surgeons, apothecaries, and consultations by physicians respecting her health, both immediately preceding the date of her marriage and soon afterwards, the state of her health at that time must have been critical. In December 1658, two months before the marriage, a payment of £200 sterling was made to the Countess of Wemyss to reimburse her for charges for "doctours, apothecaris, and chirurgeons" attending the Countess of Buccleuch, "who hath beine often subject to seiknes some yeires past, and having a runing sore in her arme yet under cure." Eighteen months after this the arm appears still uncured.<sup>1</sup>

No consideration for the young Countess seems to have influenced the promoters of the marriage, whose chief aim was to hurry on the ceremony before Scottstarvit and the remaining tutors became aware of their designs. In order that these might be accomplished with secrecy and despatch, the Earl of Wemyss and Sir Gilbert Elliot of Stobs demanded from the Presbytery of Kirkealdy a dispensation from the proclamation of public banns, the Presbyteries having power in urgent cases to dispense therewith. The Presbytery granted the demand, and ordered one of their number, Henry Wilkie, minister of Wemyss, the parish in which the Countess resided, to

<sup>1</sup> "Payed to phisitians and chirurgeons arme," £1018 Scots.—Buccleuch Chamberlain at a consultation anent curing the Countess Accounts, April 1660.



proceed forthwith to her residence and marry her to Walter Scott, son of Gideon Scott of Highchester. The Act of Presbytery is as follows:—

“ Kirkcaldie, 9 February 1659.

“ The whilk day the Right Honorable the Earle of Wemyes and Sir Gilbert Elliot of Stobbs, knight, desyring a warrand from the Presbitrie to Mr. Henry Wilkie, minister at Wemyes, or any other minister, to solemnize the mariage betuixt the right honorable lady, the Lady Mary Scott, Countes of Buccleuch, with the Right Honorable Walter Scott of Heychester, younger, without proclamation, becaus of some necessary exigence asserted by the said Earle of Wemyes and Sir Gilbert Elliot; and withall having presented to the Presbitrie the principall contract of mariage subscribed be themselfis and the parties mainly concerned: Lykwayes alledging ane Act of the Generall Assemblie at Glasgow 1638, allowing Presbitries to grant warrand for mariage without proclamation in caice of necessary exigence. The Presbitrie considering the foirsaid desyr, contract, and Act of the Generall Assemblie, did unanimouslie agrie to give warrand, and be thir presents gives warrand to the said Mr. Henry Wilkie, or any other minister, to celebrat the said mariage without proclamatioun.”

MR. JOHNE MELDROME, Moderator.

MR. A. MILLER, Scrib to the Presbytrie of Kirkcaldie.<sup>1</sup>

On the 9th of February 1659, the same day on which the dispensation was granted, the marriage of Mary, Countess of Buccleuch, and Walter Scott, younger of Highchester, afterwards created Earl of Tarras, was celebrated in the parish church of the Wemyss by Mr. Henry Wilkie, minister of the parish. There were present the Earl and Countess of Wemyss, the Earl of Rothes her brother, Lord Balgonie her son, Lord Melville her son-in-law, and the five tutors already named.

The contract of marriage is dated at Wester Wemyss, 9th February 1659. The contracting parties were Gideon Scott of Highchester, for himself, and taking the burden on him for his son Walter Scott, on the one part; and on

<sup>1</sup> Extract Act in Lord Polwarth's Charter-room. On a blank leaf in her Bible, Countess Mary wrote with her own hand the date February 9, 1659, being the date of her mar-

riage, and her signature and initials M. C. B., with the coronet for an Earl or Countess. The Bible is in Lord Polwarth's Library.

the other Mary, Countess of Buccleuch, with consent of the Countess of Wemyss her mother, and of David, Earl of Wemyss, the Earl of Rothes, Alexander Lord Balgonie, George Lord Melville, and the tutors previously named. The Countess of Buccleuch bound herself to make resignation of the honour, title, and dignity of the earldom of Buccleuch, and all her lands, lordships, etc., in favour of, and for new infeftment to be made to Walter Scott, her husband, in liferent, of the honours and lands of the earldom, extending to the sum of £24,000 Scots, in liferent. In the event of Walter Scott surviving his wife, this sum was to be increased to £48,000 Scots annually. It was also provided, that in case the Countess predeceased her husband within a year and a day of the date of the contract, and without issue, he was to receive the sum of £120,000 Scots, to be paid to him within the space of three years after her decease. It was also expressly provided, that in the event of the Countess of Buccleuch and her sister Lady Anna Scott both dying without issue, a further sum of 28,000 merks yearly was to be paid to him by the heirs of tailzie. The contract further provided that in the event of the Countess of Buccleuch contracting a second marriage, and an heir-male being subsequently born, any daughters born of the first marriage should receive the sums specified in the contract as follows: If there was but one daughter, one hundred thousand merks was to be paid to her on reaching the age of fourteen years; if there were two daughters, to the eldest sixty thousand, and to the other daughter forty thousand merks; and if there were three or more, the eldest should receive forty thousand merks, and the remaining sixty thousand be equally divided between the others.

On the same day that the marriage-contract was signed, an agreement was entered into by the parties to the contract, by which it was provided that the Countess of Buccleuch and her husband should reside with the Earl and Countess of Wemyss until she reached the age of eighteen years. The amount to be paid for the maintenance of the Countess, her husband and servants, was sixteen thousand pounds Scots yearly. In addition to this, a



further sum of eight thousand pounds was to be paid to the Countess of Wemyss for the expenses of the contract and the marriage festivities.<sup>1</sup>

Scarcely had the celebration of the marriage become known, when the opposing tutors and the overseers appointed by Earl Francis took measures to procure its reduction and abrogation. A formal difficulty had first to be overcome. Under the Protectorate considerable changes had taken place in the civil and judicial administration of Scotland. The Commissary Judge was competent to decide as to the validity of the marriage, but there was at that time no judicatory in Scotland with powers to sequester married persons pending the decision of their case. These duties had formerly been performed by the Privy Council, which was now in abeyance. But this obstacle was removed by the Judges appointed by the Protector in Scotland assuming this power. Accordingly a summons for reduction of the marriage was, only a few days after its celebration, raised before the Commissaries at Edinburgh. The parties to it were Sir John Scott of Scottstarvit, Patrick Scott of Thirlstane, John Scott of Gorrinberrie, tutors to the Countess of Buccleuch and Lady Anna Scott, Gilbert Earl of Errol, John Earl of Mar, Alexander Earl of Eglinton, William Earl of Roxburgh, and John Earl of Tweeddale, overseers appointed by Francis, Earl of Buccleuch. The Earl of Tweeddale also appeared as the husband of Lady Jean Scott, Countess of Tweeddale, nearest of kin to the Countess of Buccleuch and her sister.

It was pleaded in favour of the reduction of the marriage that the Countess was a pupil and a minor little over eleven years of age, and that Walter Scott was under the age of fourteen; that she could not therefore contract or solemnise marriage. It was further alleged that the Countess had not given her free and deliberate consent, but had been allured and seduced thereto by her mother and Gideon Scott and the remanent tutors, their accomplices, who were nearly related to him, Sir William Scott of Harden being his brother, and Gilbert Elliot of Stobbs his cousin. Not having attained to years of discretion, and incapable of discerning what

<sup>1</sup> Original Contracts in Lord Polwarth's Charter-room.

tended to her own weal and honour, it is said that she had yielded to the blandishments and enticements of her advisers.

Measures were immediately taken by the promoters of the marriage to counteract these proceedings. A petition was presented by them to the Commissioners for Public Affairs, appointed by the Commonwealth for the administration of justice in Scotland, with the object of showing that the Countess of Buccleuch had, with the consent of her mother and five of the tutors, been solemnly married in face of the Church, conformably to the destination and will of her father, and to the tailzie of his dignity and estate. They asserted further that these proceedings for reduction had been taken at the instance of malicious persons, who were disappointed that their own designs for disposing of the Countess had been defeated. Especially was this the case, it was asserted, with the Earl of Tweeddale, who is charged with covetous designs upon her fortune, his children being the next heirs in succession, in the event of the decease of the Countess and her sister without issue. The petitioners concluded by supplicating the Commissioners to forbear granting any order or deliverance for putting restraint on the person of the Countess or her husband.

The petitioners having undertaken to bring the Countess to Edinburgh till the supplications were answered, the Commissioners thereupon, on 19th February, ordained the cause to be heard on the next Tuesday, the Countess in the meantime to be brought to Edinburgh without delay, and placed in custody of the Countess of Cassillis.<sup>1</sup>

Scottstarvit and the tutors and overseers who were acting with him made a further application to the Commissioners on 23d February for the sequestration of the Countess of Buccleuch, alleging that "be reason of the frailitie of her yeires and judgement she might still be subject and obnoxious to the sinistrous practices of her mother and tutors, and overawed be them to hold on in the samen course whereunto at first shee hes bein seduced be them, whereas if shee wer sequestrat from ther companie, and at her owne free-

<sup>1</sup> Copy of the Petition in Lord Polwarth's Charter-room.

dome, shee would quicklie be sensible of the ruin and dishonour which they, for their own ends, have precipitat her unto, and would frielie declare her own thoughts and intention, and by what menes she wes seduced or compellit to give any pretended consent to the comploted clandestine mariadge." Therefore they prayed the Commissioners that they would ordain her to be placed in the custody of the Countess of Mar or the Countess of Cassillis, both near relatives of the Countess of Buccleuch, or any other person of honour not interested in the cause.<sup>1</sup>

According to the orders of the Judges, the Countess was speedily brought to Edinburgh, and being privately interrogated by the Court, declared her own free choice of her husband, avowed the consummation of the marriage, and affirmed her resolution of adhering thereto. She was then placed in charge of Lady Lorne, whose brother-in-law, Lord Neil Campbell, second son of Archibald, Marquis of Argyll, was intended, it is alleged, for her husband, in the event of the reduction of the marriage. The Judges having sequestered the person of the Countess of Buccleuch, nominated five ladies, from whom the Countess of Wemyss and her abettors were to choose one in whose custody the Countess Mary was to be placed. These ladies were the Countess of Mar, Lady Alexander, the Countess of Kinnoul, sister-in-law of the Marquis of Argyll, Lady Kenmure his own sister, and Lady Lorne his daughter-in-law. This proposal was not, however, acceptable to the Countess of Wemyss and her friends, who desired that the Countess should be placed at Dalkeith in the custody of General Monek. To this request the Commissioners, after some hesitation, agreed, and ordained accordingly on 26th February, only a fortnight after the celebration of the marriage, that the Countess should remain with General Monek and his lady until the action of reduction was determined, or until she had attained the age of twelve years.

The exasperation of the Countess of Wemyss and Highchester at this decision was extreme. They decided that he should at once proceed to London, armed with a commission granted to him and the Earl of Wemyss,

<sup>1</sup> Double of the Petition by Scottstarvit and others in Lord Pelwarth's Charter-room.

to which the signature of the Countess Mary had been obtained. He was to entreat the favour of the Protector, Richard Cromwell, and his Council, and justify to them the whole proceedings connected with the marriage. Fears of the success of Tweeddale in obtaining possession of the Lady Anna were still prominently shown by the Countess of Wemyss, and Highcheater was desired to crave from the Protector a confirmation of her guardianship in the custody of her mother. He was enjoined by the Earl and Countess of Wemyss to spare no outlay of money in order to achieve these results.<sup>1</sup> Highcheater accordingly presented to the Protector a petition, praying that as the Commissary Court at Edinburgh, which was the only competent authority to decide the process, was at that time reduced to a much less number than was suitable or conform to the original institution, and as the present Commissioners, considering the importance of the cause, had appealed to the Supreme Court of Justice to appoint assessors to assist them therein, that therefore his Highness would appoint as assessors General Monck and Judge Moseley. It was further desired that during the dependence of the cause, and also in the event of the marriage being annulled, the custody of the Countess Mary should remain with General Monck until she was of the age of twelve years, and so could legally ratify her consent to the marriage. The renewal of an order was also desired for the guardianship of the Lady Anna Scott, that she might be secured from "the masked and subtle designs" of the Earl of Tweeddale and his accomplices, the Countess of Wemyss offering to find caution that she should not be disposed of in marriage until of the age of twelve years complete.<sup>2</sup>

The sequestration of the Countess of Buccleuch having been ordained, the anxiety of the Countess of Wemyss to have her daughter placed in the custody of Monck, and to have him appointed assessor, is explained by sub-

<sup>1</sup> The amount of money disbursed by Highcheater during his stay in London on that occasion was £30,000 Scots.—Original Commission, Abstract of Letters written by and

to Gideon Scott, and Note of Disbursements, in Lord Polwarth's Charter-room.

<sup>2</sup> Certified copy of Petition, etc., in Lord Polwarth's Charter-room.

sequent events. Lady Wemyss acted as the medium of communication between Monck and the party who were concerting measures for the Restoration of King Charles the Second, and would consequently have considerable influence with the General, which she would no doubt use to further her interests.

Meanwhile the opponents of the marriage were not idle. The three opposing tutors, Scottstarvit, Gorriuberrie, and Thirlestane, and the Earl of Tweeddale, also presented a petition to the Protector, in reference to the guardianship of the Lady Anna Scott. The Countess of Wemyss, it was alleged, had betrayed her trust by bestowing the Countess Mary in marriage on a person of quality and condition by no means suitable, without the knowledge and consent of the tutors and overseers and friends of the family. On that ground it was apprehended that their pupil, the Lady Anna, could not remain in security in the house of the Earl and Countess of Wemyss, nor without hazard of the like practice. It was, therefore, desired that his Highness would recommend to the Council and Judges in Scotland to order the removal of the Lady Anna from the custody of her mother, the Countess of Wemyss.<sup>1</sup>

Both of these petitions were referred to a Committee of Council. But while they were still under consideration Richard Cromwell resigned, and Gideon Scott presented another petition, in similar terms, to the Parliament of the Commonwealth, setting forth that Tweeddale, taking advantage of the present posture of affairs, was pressing for a decision on the ground that the Reference to the Committee of Council was null in consequence of the resignation of the Protector.

Further to promote the reduction of the marriage, Sir John Scott of Scottstarvit brought a complaint against the Presbytery of Kirkcaldy before the provincial Synod of Fife, for their action in dispensing with the proclamation of banns. He was there present, and moved the Synod to censure the Presbytery. But after discussion the Synod declared that the Presby-

<sup>1</sup> Certified Copy of Petition in Lord Polwarth's Charter-room.



tery had done nothing contrary to any known Act of the Church. The proceedings threatened at one stage to take an alarming form, "for this busines was vigorously pressed in the Assemblie by the Lord Scotstaruet, and defended by the Earl of Weyms, who, in feace of the Assemblie said as mutch as appealed the said Scotstaruet to a combatt; for the said Scotstaruet speaking of the house of Harden, said if the lady had maried his sonne or his oye (grandson) ther had beine no staine vpon hir: Bot Weyms took this so highly, that he said to him, that if he had not a respect to those his gray hares, he sould make him make that good before he sleiped; bot the moderator commanded them both silence."<sup>1</sup>

The deliverance of the Synod was in the following terms:—

St. Andrewes, 7 April 1659.

The Provinciall Assemblie of Fiffe, having considered the bill and petition of Sir John Scott of Scottistarvett against the Presbitrie of Kirkcaldie, for their dispensing the proclamation of the banns of the marriage of the Right Honourable Walter Scott of Haychester, younger, with the noble lady, Mary, Countes of Buccleuch; as also the answer of the Presbitrie of Kirkcaldie to the said petition, did put to voting whither a present answer should be given to the premises according to the tenor of the foresaid petition or not: Whereupon the Assemblie determined to give a present answer, and accordingle did conclude that they found no ground to blame the Presbitrie of Kirkcaldie for what they hade don in the forsaid mater, as contrarie to any known Act of this Kirk.

ROBERT BLAIR, Moderator.

MR. A. RAITT, Clerke to that Meitting.<sup>2</sup>

The Act of Assembly of 1638, on which the Presbytery of Kirkcaldy professed to act, is as follows:—"Anent mariage without proclamation of bans,

<sup>1</sup> Diary of Mr. John Lamont of Newton, p. 114. Scottstarvit also presented a petition to the Presbytery of Edinburgh, requesting them to give an opinion on the case, but they declined to pass judgment on a process

then before the Civil Courts. Extract of Presbytery Records, 23d March 1659, in Lord Polwarth's Charter-room.

<sup>2</sup> Extract of Proceedings in Lord Polwarth's Charter-room.



which being in use those years bygone hath produced many dangerous effects: The Assembly would discharge the same, conforme to the former Acts, except the Presbyterie in some necessarie exigents dispense therewith."<sup>1</sup>

Taken by itself, this Act would seem to give the Presbytery general powers of dispensation. But it was only meant to take effect if the intended marriage were otherwise legal. An Act of the Assembly of 1600 expressly forbids the celebration of marriages such as that for which the Synod could find "no ground to blame the Presbytery" for dispensing with the ordinary form, alleging that their procedure was not "contrary to any known Act of this Kirk." The Act of 1600, passed purposely to prevent such cases of "untymous marriage of young and tender persones before they come to age meit for marriage," ordains "that no minister within this realme presume to joyne in matrimonie any persones in tyme comeing, except the man be of fourteen yeares and the woman of twelve yeares at the leist."<sup>2</sup> The Presbytery, therefore, dispensed with proclamation, in order to allow the minister of Wemyss to perform an illegal act, expressly forbidden by the law of the Church. They had no dispensing power in the case of minors, and the celebration of the marriage being directly against the Church law, it is very remarkable that the Synod found "no ground to blame the Presbytery" for their action in the matter. That the minister of Wemyss and the Presbytery of Kirkcaldy should be influenced by the powerful houses of Rothes and Wemyss is perhaps not surprising, but it is a lamentable fact that a provincial Synod should have been so subservient as to declare an approval of their action. At a future time when the Earl of Rothes deemed it his interest to join the opposing tutors, he found many of the clergy of Fife and elsewhere equally pliable. Highchester, who would not willingly vilify his own party, remarks that when it became "apparent enough to men of understanding how the commissare would determine in the businesse if he had not been marred by the change of the Government, his [Rothes'] greatest

<sup>1</sup> Acts of the General Assembly of the Church of Scotland, 1638, sec. cxxi.

<sup>2</sup> Booke of the Universal Kirke, p. 481.

confidants such as Mr. Sharpe (at London),<sup>1</sup> and others in the Synod of Fyfe and elsewhere in Scotland, whom he was supposed to have most power over, were going crosse to the marriage.”<sup>2</sup>

The influence of the covenanting clergy was also brought to bear on the case in another form. Highchester, who was Sheriff of Roxburghshire, induced a number of ministers in the south to address a letter, signed by sixteen of them, to Mr. Luke Ogle, minister at Berwick, who was proceeding to London on some business connected with the Church, desiring him to exert himself while there to frustrate the attempts to reduce the marriage. Referring to the marriage they say of Gideon Scott of Highchester that—

“The Lord hath cast in his lap, without his procurement (we are confident to say it) the maryage of the Countesse of Buckeleuch to his eldest sonne, wherein her mother, the now Countess of Weems, a godlie and judicious lady did indeed for weighty reasons anticipate by four or five moneths the ordinary time of young women’s marriage, and did conceale the same from some few of the tutors and freinds, who had made it evident that they had designed that morsell for their owne mouths, but following the direction of her deceased Lord, and the advice of a greater part and a quorum of the tutors, and other honourable freinds, did make choise of the most faithfull and deservedly honoured family of the name of Scott in this land. But we doe not weigh thes things, neither is it to us of any moment who enjoy those outward things that are accompted great in this world; but when we consider that this gentleman and his brother Sir William have been among the chief countenancers and promovers of piety in this part of the land, upon which accompt the opposition made by some for their private interest and disappointment, doth to our certaine knowledge receive accession and streuth from the bulk of a disaffected party, both ministers, by whose industrious insinuations even some good men, wanting sufficient information, have received noe good impression of the businesse; remembering also there are toward 20 or 24 churches, most of them in this province where we live, in the planting whereof the Earle of Buccleuch will have a great interest, by all which we find those of our acquaintance who are trouly religious doe much lay to heart the success of that maryiage. We are therefore pressed to intreat you, sir, if you have acquaintance with any of the Parliament or Councill of State, that you would use your

<sup>1</sup> Afterwards Archbishop Sharpe.

<sup>2</sup> Information by Sir Gideon Scott.

utmost endeavour, that not onely noething be done in prejudice of the maryiage, but that the custody and bestowing of the younger lady be not taken from her mother, or given as a reward to them who have gone about to disgrace, and may labor to make her an engine for ruine of her elder sister."<sup>1</sup>

It appears from this letter that there were a few "good men" who had "receaved noe good impression of the businesse." It is probably one of these to whom the Countess of Wemyss refers when she writes to Highchester. "I regrait I writ to Mr. Gillespie, since his overture is the hight of injustice and Twaddail's onley designe."<sup>2</sup>

The Commissary, Sir John Nisbet of Dirleton, the famous lawyer, at length, on 20th April, pronounced an interlocutor sustaining the plea of the pursuers, that the Countess of Buccleuch was a pupil within the age of twelve years, as relevant to reduce the marriage and make it void in law. On that ground he therefore dissolved the marriage. This decision greatly incensed the Countess of Wemyss and her friends, and they at once decided to appeal against it. Her indignation at the judgment of the Commissary was so extreme that she expresses her desire to Highchester, "if it be in our power, we ought to studie to get him put out of his plaee. He is a malieious knave. I am not in patienee when I speak or writ of him."<sup>3</sup> The Commissary is charged with partiality by the party of the Countess, he having, they alleged, plaeced difficulties in the way of the appeal, and adjourned his Court for that purpose. Not much weight can be placed in these charges, as both parties were doing their utmost to bring such influenee to bear on the Judges as would altogether prevent any impartial judgment.<sup>4</sup>

Whilst these proceedings were still unsettled, the Proteetorate of Richard Cromwell had come to an end, and the change in the Government raised

<sup>1</sup> Original Letter in Lord Polwarth's Charter-room.

<sup>2</sup> Abstract of Letters by and to Sir Gideon Scott, in Lord Polwarth's Charter-room.

<sup>3</sup> Original Letter in Lord Polwarth's Charter-room.

<sup>4</sup> A Letter to Highchester, dated 11th June, suggests that "it was not thought expedient to speak to Comissar Nisbet about your offering him a bryb, in regard his wife was dying." — Abstract of Letters to Sir Gideon Scott.

doubts as to the authority of the Court. The appeal from the decision of the Commissary to the Parliament of the Commonwealth, which is dated 20th May 1659, states as one of the grounds of appeal that an Act of Parliament of 11th May had nullified the jurisdiction of the judges, and ordained that all processes should from that date be in the name of the "Keepers of the Liberty of England." The Countess of Wemyss is enabled to report on 9th June, "I am glad that the unjust Judges are like not to sit, and that we are reed of the Commissar, whose knavery many indifferent persons did perceave." The death of the Commissary's wife about this time is looked on by the Countess in the light of a judgment on him for his conduct. She writes to Gideon Scott, "The Lord continue your expectation of successe, and cause men befreind our just cause. Commissar Nisbet's mariage, by the death of his wife, was dissolved that same weck he promised to dissolve my daughter's, and he is lyke to lose his wits for sorrow. This I could not bot observe."<sup>1</sup> The death of Lady Nisbett is also noticed by Gideon Scott as "a remarkable providence."<sup>2</sup>

Attempts were made by the Marquis of Argyll, Warristoun, and others to effect an amicable arrangement between the Countess of Wemyss and the Earl of Tweeddale. Overtures were made to Highchester for a marriage between the son of the Earl and Lady Anna Scott. Provided that were granted, they offered to secure the interest of Highchester's son as he prescribed. But to this proposal the Countess of Wemyss was wholly opposed. She writes to Highchester—"We can doe noe more bot appeal, and it's like it will be remitted back to the Judges again; but this is the onely mean. For agreement with Twaddaill, I know it is Argyll, Waristou, and Swinton who contrys that designe, but treuly I doe not see wherein ye can make any form of agreement with him for what concerns my daughter. But the worst is done already. And, for her sister, I think Twaiddail's interest in her is none at all, nor never shall, soe far as I can have power; and for any other mean of agreement it must be the monie which he owes my doughter." In that case the Countess will show no favour "to that ungrait, false man, who

<sup>1</sup> Abstract of Letters to Sir Gideon Scott.

<sup>2</sup> Information by Sir Gideon Scott.



hes put so manie taskes on her and her relations, and occasioned her name to be the discourse of many thousands.”<sup>1</sup>

Whilst it still remained doubtful if a final decision on the case would be given by the Court, the Earl of Rothes, who was supposed to be a staunch friend of the Countess of Wemyss and Highchester, was taking measures to secure himself in either case of success or failure. He was found to have been tampering with the Earl of Tweeddale, assisted therein by Patrick Scott of Langshaw, one of the tutors who was considered as a friend of the Countess.

In the Memoir of Earl Francis, it has been related that certain lands were disposed of which had occasioned his ward and marriage to fall into the hands of the Crown. The tutors were fully persuaded that the ward and marriage of no heir succeeding could thenceforth fall to the Crown. The question was, however, again raised after the marriage of the Countess Mary, when, according to the statement of Gideon Scott, Sir John Scott of Scottstarvit moved General Monck to petition the Protector for the gift. This he refused to do. But to provide against this contingency, Highchester, who was then in London, made a request to Richard Cromwell for the gift of the ward and marriage to Sir Peter Killigray, with whom an arrangement was made to compound for the gift on condition of his being paid the sum of £1500 sterling. The retirement of Richard Cromwell from the Protectorate prevented this scheme from completion.<sup>2</sup>

It is a relief to turn from these intrigues to the conduct of the young Countess herself. However reprehensible the proceedings of her relations had been, there does not appear to have been any coercion of her inclinations. On the contrary, the young child-wife evinces a warm attachment to her husband. Soon after their separation she sent to him from Dalkeith a ring “beset with diamonds, with this reason (motto), ‘NO LOVE SO TRUE AS MINE TO YOU.’” The Countess Mary inherited from her father Earl Francis, his amiable and affectionate disposition. A considerable number of letters, written with her own hand to her husband during the time of

<sup>1</sup> Abstract of Letters to Sir Gideon Scott.

<sup>2</sup> Information by Sir Gideon Scott.

her sequestration at the Castle of Dalkeith, are preserved in the Charter-room of Lord Polwarth. They are interesting as the productions of a wife who had not completed her twelfth year, and in this respect they are probably unique. They are addressed to the "Earl of Buccleuch," as it was then supposed that a commoner on his marriage with a Peeress in her own right became entitled to her dignity by the courtesy. That was the ancient law as regards territorial dignities. But courtesy in personal Peerages had ceased before the reign of King Charles the Second, who did not acknowledge the right of courtesy in Dignities. He created Walter Scott Earl of Tarras for life.



It will be observed that the letters of the young Countess of Buccleuch to her husband are very brief, and generally without dates. The seal used on many of the letters had been engraved for the occasion. It bears, on a heart surmounted by a coronet, two roses on a single stem over two hands clasped, and encircled by the motto, "THVS CROVND WE FLOORISH." An engraving of the seal is annexed hereto.

On the same day that the order for her sequestration was passed, the 26th February 1659, the Countess wrote to her husband from Edinburgh:—

Edin[burgh], 26 Feb.

DIER HEART,—I am in uery good health and sell be most glead always to hier the sam from yow. Be asoored all the aloorments in the world sell neuer cheng me from being

Your most affectionet

MARIE BUCCLEUCH.

For the Earle of Buccleuche.

During the separation from her husband, the following letters were written by her to him:—

[No date.]

MY DEIR HART,—I can let no opportunity slip without showing you that I am well. I intreat you heast my lady my mother, to

Your affectionat

For the Erle of Buccleuche.

MARIE BUCCLEUCHE.



[No date.]

MY DEIR HART,—It is much ioy to me that I am to sie you the nixt uiek, for, beliuie it, I am onehensably

Your most afectionet

MARIE BUCCLEUCHE.

I haue reseued two leters from yow, and this is the thrid I haue ureten to yow. My mother is your servant. Present my seruice to my sisters and bilies.

For the Earle of Bueeleuehe.

Dakith, Mareh 13.

MY DEAR HEART,—I am uerie glade to heir that you came so safe to the Weemys. Be ehearfull, and do not ualue the malis of our enemies, for I shal euer be

Your affectionat

MARIE BUCCLEUCHE.

For the Erle of Bueeleuehe.

[No date.]

MY DEAR HART,—I haue bee longing to writ to you my self, which I wold not neelect so often wer it not you desire me to for fear least it troubles my arme. I bles the Lord I am nere weel, and sal euer be

Your affectionat

MARIE BUCCLEUCH.

Dear heart, it is my desayer that ye wold tak Williom Morou to be your groom, and sho my lady my mothor that it is your desayr and mine. I shall ansueyr for his eairage my selef, for if hie do not carie right hie is content to be pot awa.

For the Earle of Bueeleueh.

[No date.]

MY DEARIR HART,—I can not but eontinu to lat you knou that I am wiell, sine I think no news will be mor acceptable to you. I shal haue a eaire of my halth as you desire, and I hope you will haue a eair of your self.—I am,

Your affectionat

MARIE BUCCLEUCHE.

Let non sie thes leter.

For the Erle of Buccleuehe.

[No date.]

MY DAIREST HEART,—I am glade to hear that you are weel, and al my frends with you. I bles the Lord I am viery weel my self, and I hope my arme is mending. I wish thursdey may be a good day, that I may se you, which will giue much content to

Your affectionat

MARIE BUCCLEUCH.

For the Erle of Buccleuche—thes.<sup>1</sup>

[No date.]

DEAR HEART,—This is to let you know that we are al well heer, and that I am stil

Your affectionat

MARIE BUCCLEUCH.

For the Earle of Buccleuche.

[No date.]

MY DEAIR HEART,—I am uerie will, and shal be the mor chearfull that you are so, for nothing can so much mak glad the heart of

Your affectionat

MARIE BUCCLEUCHE.

[P.S.]

My Lord, I hop your lordship will pardon me for not writing to you, bot I shall writ the nikes tem.—I am, my Lord, your lordship's affecnot cousing and humbell seruant,

MARIE MONTGOMRIE.

For the Earle of Buccleuche.<sup>2</sup>

<sup>1</sup> Her husband was permitted by General Monck to visit the Countess frequently. On one of these occasions the Countess of Wemyss writes to Highchester:—"Your son made his visit this day, and carried himself to my mind."

<sup>2</sup> Lady Mary Montgomerie, who writes the postscript, was the daughter of Hugh, seventh

Earl of Eglinton, and Lady Mary Leslie, and was cousin-german of the Countess of Buccleuch. A legacy of £10,000 Scots was left to her by the Countess, but the will containing the gift was set aside by a subsequent testament more favourable to the Earls of Rothes and Wemyss, in which the legacy to Lady Mary Montgomerie does not appear.

[No date.]

MY DEIR HART,—I knou your coming will be no longer delayed then a bout the middle of the next week, which will be great content.

Your affectionat,

MARIE BUCCLEUCH.

For the Erele of Buccleuche.

[No date.]

MY DEAREST HART,—I am uerie glade I shal be so happie as to sie you the nixt week, and tho I be sorie to want my lady my mothers companie so long, yet to sie you both together will much reioyse the hart of

Your affectionat

MARIE BUCCLEUCHE.

My woman presumes to remember hir blissing to you.  
For the Erle of Buccleuche—Thes.

[No date.]

MY DEAIR HART,—I am to sie you in so short a tym that I will say no mor bot that I am

Your afecionet

MARIE BUCCLEUCH.

For the Earle of Buccleuche.

[No date.]

MY DEAREST HART,—I am glad to heair that ye are will, and that ye had such good paseag ouer. I am verie will, I bles the Lord,<sup>1</sup> and to be with you is much longed for by

Your afecionat

MARIE BUCCLEUCHE.

For the Earle of Buccleuche—Thes.

[No date.]

MY DEIR HART,—I am uery will and much the beter of my plisik. I shal uish ye may also tak sum, and the ducter sell be snt our to yow.

Your affectionet

MARIE BUCCLEUCHE.

For the Erle of Buccleuche.

<sup>1</sup> The words, "I bles the Lord," are inter- mainder of the letter is holograph of the lined by the Countess of Wemyss; the re- Countess Mary.

[No date.]

MY DEARIST HEART,—I am varie gled to hier that ye ar will. It dos ad much satisfaction to me. I will intret you to be merie, for I hop the tem is nier nou when I shall sie you eurie day.—I am,

Your affecnot wief tell deth,

MARIE BUCCLEUCHE.

For the Erall of Buccleuche.<sup>1</sup>

When Highchester was occupied in London with the affairs of the Countess, she wrote to his wife :—

Dalkith, Jone 10, 1659.

MISTRES,—I haue sent thes berer that therby I may haue the satisfaction to knou hou ye ar. I intret ye may not think tou long for your hosband retourn since hes being ther does the grettest fauor to me that I can reseue, who shall euer be redie to aprou my self

Your affectionat doughter and seruant,

MARIE BUCCLEUCHE.

I disyr my loue may be presented to all your cheldren.

For my honoured lady the Lady Haychesters.

Shortly before the term of her sequestration had elapsed, the Countess Mary wrote to her mother-in-law :—

Dalkith, 17 Aug<sup>t</sup> (1659).

MISTRES,—Thes leter cam from your hosband yester night bay the post, and I am gled aneay ocsion that I may knou hou ye ar, which I desayer you will caus ane other geue me en account of lest it trubll your self. Present my loue to all your cheldern, and estiem me ener

Your affecneot doughter and humbl seruant,

MARIE BUCCLEUCHE.

My lady my mother remembers her serues to you.

For my honoured lady the Lady Haychisters.

<sup>1</sup> This letter is written and signed in another handwriting, apparently that of her cousin Lady Mary Montgomerie. The letter was probably written near the end of the term of the sequestration of Countess Mary.

The affection of the Countess Mary for her younger sister, and her fears lest the proceedings of those acting contrary to her might result in a separation of the sisters, are expressed in a letter to Highchester, dated 14th June 1659, in which she writes—"As ye have been at much pains for me since your going from this, so am I very afraid ye must be still at more for my dear little sister, who our adversaries would have taken from her mother and me. And I intreat you not to weary in doing me and the family ye have soe near relation to so good service; for if my sister were taken from us, I doo think she were lost, it would break her spirit. Your sone is well, and I hop ye will belive that nothing in my power shall be wanting to declaire with what sinceritie I am your very affectionat daughter and servant."<sup>1</sup>

The dislike which the Countess of Wemyss bore to the family of Tweeddale was shared by her daughter, in whom she had succeeded in impressing an unfavourable opinion of the Earl and Countess of Tweeddale. Writing to Highchester in March 1659, while the Countess Mary was residing at Dalkeith Castle, the Countess of Wemyss informs him that "the Countesse of Tweeddail visited the Countess of Buccleuch, who were verie sharpe one to another."<sup>2</sup>

During the stay of the Countess of Buccleuch at Dalkeith, the malady in her arm still remained uncured. The Countess of Wemyss expresses her hopes in June 1659 that her daughter was progressing so favourably she would in two months be perfectly well. About the same date she states that one Doctor Borthwick had undertaken the cure for £100. The Countess Mary was intrusted to his care, but his unskilful treatment had a very alarming result. He had given orders that a plaster which he had applied should not be removed, notwithstanding any pain which the Countess might suffer. The nurse followed his directions, but the pain during the night becoming intolerable, General Monck was aroused, who immediately caused the removal of the plaster, and on observing the effect it had produced, was indignant at the conduct of the surgeon in prescribing such treatment. The

<sup>1</sup> Abstract of Letters to Sir Gideon Scott.

<sup>2</sup> *Ibid.*





Countess of Wemyss, always suspicious of the designs of the Earl of Tweeddale, took measures to secure the custody of the Lady Anna Scott. For this purpose a commission was granted to Gideon Scott of Highchester in September 1659, giving him full power to present petitions in the name of the Countess of Buccleuch to the Parliament of the Commonwealth, the Council of State, or any other Court or competent jurisdiction, for securing her person in the custody of the Countess of Wemyss, failing whom by decease, in the custody of her sister, the Countess of Buccleuch. He was also empowered to take such measures as he should think fit to counteract the schemes of their opponents, and protect the persons, dignities, and estates of the Countess and Lady Anna Scott. The commission was signed by the Countess of Buccleuch, Walter Scott of Buccleuch her husband, William Scott of Harden, Gilbert Elliot, the Earls of Rothes and Wemyss, and Lords Balgonie and Melville.<sup>1</sup>

The Earl of Rothes, while professedly supporting the aims of his sister the Countess of Wemyss, had at the same time a secret understanding with the Earl of Tweeddale. When General Monck marched with his army into England in 1660, it was thought possible that a conflict might ensue between him and General Lambert. According to the statement of Gideon Scott, Rothes had arranged to support Monck, while Tweeddale appeared as a partisan of Lambert, so that in the event of the defeat of either party, one of them would be on the winning side and extricate the other. As a matter of fact, both Earls were in high favour with King Charles the Second after the Restoration. Highchester soon discovered that Rothes, while professing friendship, was working secretly against his interest, and originating reports prejudicial to him with General Monck and others in authority. Rothes will be found hereafter sacrificing the interests not of Highchester only, but of his own sister the Countess of Wemyss.

When Monck in the beginning of the year 1660 marched towards London, and thereafter declared in favour of the Restoration, the Countess of Wemyss was sanguine of obtaining the success of her aims. Whilst Monck resided

<sup>1</sup> Original Commission in Lord Polwarth's Charter-room.

in the Castle of Dalkcith, and when the question of the Restoration of King Charles the Second was being there discussed, the Countess acted as the agent between him and the Scottish nobles, who "most by the mediation of the Lady Weims," says Baillic, "a wittie active woman, did oft solicit him to attempt for the King."<sup>1</sup> She considered that her influence would consequently prevail with the King in obtaining what she wished. The Earl of Rothes dissembled his secret friendship and correspondence with Tweeddale, to whom he professed great enmity, and so wrought on the Countess his sister that she intrusted to him the management of all her affairs. Thereafter, says Highchester, they acted jointly against the interest of the Countess of Buccleuch and her husband, that they might dispose of the Lady Anna with more advantage. But the Countess of Wemyss did not then suspect that Rothes was negotiating for a marriage with the Earl of Tweeddale's son, who, as next heir of tailzie, could offer the most advantageous terms.<sup>2</sup>

The object which the Countess of Wemyss had in view was to obtain a gift of the ward and marriage in the names of her brother the Earl of Rothes and her husband the Earl of Wemyss, conjunctly. They professed to seek this not for any advantage to themselves, but only for the benefit of the family of Buccleuch, intending only to preclude strangers who might seek exclusively their own interest to the prejudice of the family. To obtain the success of these designs the Earl of Rothes proceeded to London, promising faithfully to do all in his power for their mutual interests. But when he obtained audience of the King, notwithstanding his promises to his sister and Highchester, he prevailed with his Majesty to grant to him solely the ward and marriage of both the young ladies, excluding the Earl and Countess of Wemyss. Rothes then joined his interest with that of Tweeddale and the enemies of the marriage of the Countess of Buccleuch; and the better to attain his ends, charged with disloyalty and disaffection Highchester and those who were favourable to it. Highchester asserts that Rothes was so successful in

<sup>1</sup> Baillic's Letters, vol. iii. p. 438.

<sup>2</sup> Information by Sir Gideon Scott.

this, that he got fines levied on some of them, although they had supported the King's cause at Preston and Worcester, and procured exemption for others who resiled from supporting the marriage, and also for those who had opposed it although liable to censure for opposing the interests of the King.<sup>1</sup>

The Earl of Wemyss, who was then in London, soon learnt the conduct of the Earl of Rothes, and at once despatched his son-in-law, Lord Melville, to Scotland, to inform the Countess of Wemyss. The Countess, who had intended visiting London on purpose to receive the thanks and rewards from the King for her zeal in furthering his Restoration, and also to promote the projects concerning her daughters, determined to hasten without delay to the Court in order to thwart the schemes of her brother. She was desirous that the Countess of Buccleuch should accompany her, and was moved to this course, as Highchester asserts, in order that her own and her husband's expenses in London should be defrayed by her daughter. Possibly that was so. Lady Wemyss and her brother the Earl of Rothes had not omitted, especially since the marriage of the Countess Mary, to avail themselves of the power which they had over the rich heiress. Soon after the ratification of the marriage had freed them from further interference, the private agreement already noticed was carried out, and the sum of £24,000 Scots was paid to the Countess of Wemyss for a year's "entertainment" of the Countess Mary and her husband, including £8000 for the charges of the contract and marriage. An additional sum of £3000 was paid for the Lady Anna Scott. Thereafter the Countess of Wemyss received always "by way of advance," £16,000 Scots per annum for the maintenance of the Countess of Buccleuch and her husband, and £3000 for her sister. The Earl of Rothes also received several large sums of money partly on his "awne personall band." Of these discharges we have records in the Chamberlain Accounts. That one reason for taking the Countess of Buccleuch to London was financial, is proved by the fact of her relations having borrowed, on the Countess Mary's signature, while in London, the sum of forty thousand merks.

<sup>1</sup> Information by Sir Gideon Scott.

The condition of the Countess Mary's arm continued to give cause for grave anxiety. Lady Wemyss writes on 21st April 1660:—

Wemyss, 21 Apryll [1660].

MADAM,—I hed giuen you ane account of my dowghter Buccleuch's condision mor frequently if your husband hed not bein sumtyns a witnes to it; she heth continowed uell in health, bot Docter Trاتبак heth failed us and is not to return now, and nixt uiek we ar to consult with severall phisicians and surgens, and then to imploy sum to goe about the coor. I most now put you in mynd of your promice to my dowghter and me to sie us hier, which is expected and very much disyred by

Your most affectionat humble seruant,

MARGARET LESLIE.

For my very honored lady the Lady Haychesters.<sup>1</sup>

The consultation of physicians and surgeons, to which the Countess of Wemyss alludes in her letter, was held to consider the case.<sup>2</sup> Judging from a letter written in June by the Countess of Buccleuch to her mother-in-law, their treatment had no beneficial effect. Being too weak to join her husband in his visit, she considerately sent a miniature of herself to Lady Highchester, with the following letter, which is written and signed by another hand:—

Wimys, Joun 9, 1660.

MADAM,—My lord, acording to hes deuty, is com to wait on you, sinc ye was onabl to do us the fafor to com hier, which I do still uarie much regret. If I uar fit for trefell, I shuld bin with you lekyes at thes tem, and sinc I was not abl to com my self, I haue sent my pictor, which I hop ye will uer in remembrenc of me. Be plesed to cas a goldsmith pot in the pictor in the kes, for I could

<sup>1</sup> Letter in Lord Polwarth's Charter-room.

<sup>2</sup> The report of this consultation, dated 26th April 1660, and signed by ten "physicians and chyrurgeons," is a curious specimen of the method of treatment in those times, from which a healthy person could scarcely escape scatheless. The malady is said to have been of a "heterogeneous nature, viz., pituite and sharp serosities flowing from the unequall

distemper of the bones in their contrarie actings." The treatment consists of bleeding, loch-leeches, the actual cautery, and a formidable list of drugs, including "mercurials with litle or no salivation." They also recommend "Moffat Wells, taken according to the direction of the physician."—Contemporary Copy of Report in Lord Polwarth's Charter-room.

not gett out the cristoll. My lady my mother presents her humbll serues to you,  
and I desayer euer to be esteemed

Your most affectionat humbll serunt,

MARIE BUCCLEUCHE.

For my houred lady, the Lady Haychesters—These.<sup>1</sup>

The "Pictor" which was thus presented by Countess Mary to her mother-in-law was a miniature of the Countess herself. It still forms a portion of the collection of the present Lord Polwarth, who is the lineal descendant of Walter Scott of Buccleuch, Earl of Tarras, by his second marriage.

Not many days after this letter was written, the Countess Mary was hurried off to London by her mother, who was so intent on thwarting the intrigues of her brother the Earl of Rothes, that she did not give sufficient heed to the effect of the journey on the delicate health of her daughter. Lady Wemyss had also persuaded the Countess of Buccleuch of the necessity of being touched for her malady by the King. The belief that the royal touch would produce a cure so impressed the young Countess, that she became extremely anxious to have audience of his Majesty for that purpose. The journey, however, so long and tedious, undertaken in her feeble state of health, is said by Sir Gideon Scott to have had a very prejudicial effect. In a letter written apparently from London, the Countess expresses to her husband her hopes as to the virtue of the royal touch.

[June 1660.]

MY DEAREST HART,—I an in verie good healt, and my acrme lucks uerie ueel ;  
we thing the vertou of his Magstie tuch is lieck to cause the frash boon cast out  
the roton. Presnt my saruise to my suit brothers and sisters, and to al good  
frinds there.

Your real

MARIE BUCCLEUCH.

Present my seruus to Mester Tod.<sup>2</sup>

To the Earll of Buccleuche.

To be left at Mistrs Meny, at Edinburgh, Scotland.<sup>3</sup>

<sup>1</sup> Original Letter in Lord Polwarth's Charter-room.

<sup>2</sup> Mr. Tod was the governor of Lord Tarras.

<sup>3</sup> Original Letter in Lord Polwarth's Charter-room.



On arriving in London the Countess of Wemyss at once took measures to obtain a reversal of the gift of ward and marriage. In this she was successful. The grant was then renewed in favour of the Earls of Rothes and Wemyss conjunctly. Rothes and his sister were again reconciled, and he succeeded in removing her suspicions as to his dealings with Tweeddale, and in forming an alliance with her which was inimical to the interests of Highchester and his son. When Highchester proceeded to London he was knighted, which, he says, he cared little for, and his son was created Earl of Tarras, instead of Earl of Buccleuch as had been expected. Sir Gideon Scott soon found that his former confederates had turned against him, and produced an unfavourable impression of him in the mind of Monck, who received him very coldly. From that time the breach between the former allies widened until they became bitter opponents.

Meanwhile the young Countess of Buccleuch, happily unconscious of the schemes formed in anticipation of her early death, returned with failing health to Scotland in the autumn of 1660. Soon after her return the Countess became sick of measles, and not recovering well, she fell into a hectic fever in the winter of that same year.

Soon after the ratification of the marriage of the Countess Mary and the Earl of Tarras in 1659, and while residing at the Wemyss, she made her will and testament on 4th May 1660. By that deed Highchester was appointed only executor and universal legatee, except £10,000 Scots to Lady Mary Montgomerie, and £12,000 Scots to his daughter.<sup>1</sup> By a codicil of the same the Countess bequeathed to the Earls of Rothes and Wemyss, equally betwixt them, certain sums of money, namely, the sum of 66,000 merks due by the Earl of Tweeddale, 42,000 merks by Lawrence Scott of Clerkington, and 26,000 merks by the Earl of Rothes. She made a disposition of the same

<sup>1</sup> The legacy to Lady Mary Montgomerie consisted of a debt owing by her father, Hugh, Earl of Eglinton, to the Countess of Buccleuch; that to Highchester's daughter was a bond by the Earl of Southesk, the latter legacy being

secured, in case of non-payment of the bond, in the teinds, moveables, debts, etc., of the Buccleuch estates, to be paid to her by the executor, her father.



date to Highchester of all her moveables, and sums of money contained in the testament and codicil, reserving to the Earls of Rothes and Wemyss, Lady Mary Montgomerie, and Highchester's daughter, the sums provided to them, and took Highchester's back-band to that effect. He signed a declaration that notwithstanding the testament and disposition, she and her husband had the same power to dispose of their rents in the tenants' and Chamberlain's hands as they had before.

At the same time the Countess made two dispositions to her husband in case his provision of £4000 sterling by the marriage-contract should be questioned. The first disposition was of 100,000 merks, and contained a precept of sasine in certain of her lands wadset for that sum. The other disposition was of the sum of £7000 sterling.<sup>1</sup>

When the recovery of the Countess from her last illness seemed extremely doubtful, she subscribed another last will and testament on 31st January 1661. Its terms were similar to the former, excepting that the sums bequeathed to the Earls of Rothes and Wemyss were to be paid either in the manner stated in the codicil of 1660, or out of the first and readiest means available that belonged to her at the time of her death, as they should judge most expedient. That will was executed by the Countess of Buccleuch when her trembling signature to it shows her bodily weakness.<sup>2</sup>

Only two days afterwards, on 2d February, a will of an entirely different character was signed by the Countess. Her husband, Highchester, and his daughter were wholly excluded, and the Earls of Rothes and Wemyss

<sup>1</sup> Original Documents in Lord Polwarth's Charter-room. Francis, Earl of Buccleuch, had taken precautions in the bond of tailzie to prevent his successors burdening the estate with debt, restricting the amount to 100,000 merks. In addition, his heirs were permitted to borrow on the security of the lands for the relief of any debts owing by him at the time of his decease. It was through this latter clause that the second disposition of £7000

sterling by the Countess to her husband was accomplished. Her advisers agreed to consider the fine and attendant expenses, amounting together to £7000 sterling, as a debt owing by the deceased Earl, for which the Countess was entitled to lay an additional burden on the estate, and the Earl of Tarras was consequently infetted in lands of that value.

<sup>2</sup> Vol. ii. of this work, p. 307.

appointed sole executors and universal legatees. These two Earls had fairly outmanœuvred Highchester, and provided themselves with the complete control over the property of the Countess. They were invested with powers similar to those formerly conferred on Highchester, to uplift all the property of the Countess in the hands of the Chamberlains or others indebted, and dispoſe thereon at their pleaſure. The Countess ordained this to be her laſt and irrevocable will and teſtament, renouncing all others formerly made.<sup>1</sup>

This laſt teſtament, ſays Highcheſter, was ſaid to be informal and ſcarce right ſubſcribed (the lady being then ſo weak), and was made without the knowledge or conſent of her huſband or his father, though they were at the Wemyſſ at the time, and, he adds, that all the time of the ſickneſs of the Counteſs, Lady Wemyſſ was “ever deviſing quarrels with them, and ſuggeſting hard things of them to the innocent dying lady, to juſtify the unhandſomeſs of the poſterior teſtament.”

She only ſurvived theſe events for about five weeks, having died at Weſter Wemyſſ on the 11th of March 1661. Her body was embalmed and interred in the family mauſoleum in the church of Dalkeith. Thus died at the age of little more than thirteen and a half years of age the amiable Mary, Counteſs of Buccleuch, her vaſt fortune being in reality her miſfortune, as it led to her becoming the victim of ruinous intrigues.

Intelligence of the death of the Counteſs of Buccleuch was conveyed to the Earl of Rothes, who was then at Edinburgh, and he loſt no time in communicating with the Court, in order to procure a ratification of the gift of ward and marriage. At the ſame time he wrote to the Earls of Wemyſſ, Tarras, and others intereſted, informing them of what he had done, profeſſing that he had ſought the grant to be conferred in the ſame manner as formerly. This letter muſt have been intended to lull their ſuſpicious, as the reſult ſhows that he meant to obtain the gift of ward and marriage excluſively to himſelf.

<sup>1</sup> Vol. ii. of this work, p. 308.

March 12th, 1661.

MY LORDS,—The expected but sad newes of the death of my deare neice, I received this day betwixt eleven and twelff a cloak, and hes this eveninge by the post signified so much to my Lord Secretary, with wndernyable presseinge reassons, ffor a retiffication off his Majesties fformer gift off the ward off the then Ladie Anna, now Countes off Bucclewgh, in the same way as it was fformerly. And this beeing the pacqwet night, I did not conceave it fitt to suffer the noyce off our wnextressable losse to spreed it self, so longe as I could without giveinge ground to belive that I did it intentionally, but to-morrow I am resolved to sie what our Advocats sayes to it, and will speake to Langshaw aud Bevelie, and shall wait ffor what other commands I shall receive ffrom you the morow, ffor I conceave my stay heer most necessare at this tyme, that I may the mor perticwlarly notice the actions off thos we aprehend to be our enemies, and rather endeavor crushinge the bud then to be necessitate to improve the wicked dessinges, when they are hatched and browght ffoorth; but after the morow I shall endeavor to waite wpon you, which is the smallest part off that great deutie dewe ffrom,

MY LORDS,

Your Lordships' most obedient servant,

ROTHES.

To the Right Honorable the Erls off Eglington, Weyms, Tarras; Lord Montgomerie, Lord Balgonie, Sir Geidion Scott of Haychester—Thes.<sup>1</sup>

The Earl and Countess of Wemyss expected to share in the gift of the ward and marriage, but they were soon undeceived. On discovering that the Earl of Rothes had obtained the grant passed in his own person exclusively, the Earl of Wemyss wrote a remonstrance to Monck, Duke of Albemarle, from whom he received the following reply:—

MY LORD,—I received your Lordship's letter concerning my Lord Rothes, and I cannot believe that he would do so unhandsome a thing as to desire to have the wardship alone, without your Lordship; but rather believe it was done by some persons here for some other ends: and if your Lady and you

<sup>1</sup> Original Letter in Lord Polwarth's Charter-room.

can prevail with my Lord Rothes to make it his desire to his Majesty, in a letter, to join your Lordship's with him, I shall present it to his Majesty, and use my endeavours to get it granted ; but without that, I doubt it will not be done. I shall desire your Lordship to be assured that, in any thing that lies in my power, I shall be ready to express myself, your Lordship's very humble servant,

ALBEMARLE.

Cockpitt, 23d April 1661.

For the Right Honourable David, Earl of Wemyss, att Edinburgh—These.<sup>1</sup>

But the Earl of Rothes would not give up the advantage he had gained without compensation, and he had to be compounded with by payment to him of the sum of £12,000 sterling.<sup>2</sup> That sum was greatly in excess of the amount paid to the Earl of Stirling, who only received £1000 for the ward and marriage of Earl Francis. And when Highcheester endeavoured to have the grant of the ward and marriage of the Countess Mary bestowed by Cromwell on Sir Peter Killigray, £1500 was the compensation arranged to be paid to the latter.

The Countess of Wemyss was greatly exasperated at being thus outwitted by her brother the Earl of Rothes, and her subsequent dealings with the King for the marriage of her second daughter, the Countess Anna, are said by Highcheester to have been caused by her irritation at her brother's conduct. She also suspected a renewal of his alliance with the Earl of Tweeddale, which she determined to frustrate at all hazards.

The last will of Countess Mary was given up by the Earls of Rothes and Wemyss, as the only executors, and confirmed on 13th June 1662. The free amount of her personal estate was £96,104, which was divisible between the two executors.<sup>3</sup>

That was another large sum which they secured from the Buccleuch family. Had the young Countess of Buccleuch been left to the dictates of her own free will, there can be little doubt that she would have bequeathed

<sup>1</sup> Original at Wemyss.

<sup>2</sup> Information by Sir Gideon Scott.

<sup>3</sup> Vol. ii. of this work, p. 308.

her personal estate to her husband or her only sister, to whom she was tenderly attached, in preference to a maternal uncle and her step-father. But the hand of her managing mother no doubt continued to control her invalid daughter on her deathbed.<sup>1</sup>

Not satisfied with the exclusion of the Earl of Tarras from the executory, and with the sacrifice of his interests as well as those of his father, Sir Gideon Scott, the Earl of Rothes and his sister resolved on further proceedings. Instead of the former alliance with Highchester, there was now bitter opposition. Their interests were now opposed to each other. All the ward lands of the estate of Buccleuch through which the ward and marriage of the Countess Anna might fall into the hands of the Crown, formed part of the liferent lands in which the Earl of Tarras was infefted by virtue of a precept in his contract of marriage. So long as the Earl lived, it was considered that the ward and marriage of the Countess would be secured from falling to the Crown. That conflicted with the interests of the Earl of Rothes, who had obtained the exclusive gift of the ward and marriage. The Earl of Tarras was also provided, in terms of the marriage-contract, to the sum of £4000 sterling annually. To remove the obstruction which interfered with the free action of the Earl of Rothes in disposing of the grant which he had received from the King, and at the same time deprive the Earl of Tarras of his liferent provision of £4000, the most effectual means was the reduction of the marriage-con-

<sup>1</sup> The disposition of the personal estate was carried out to the letter. When the Earl of Rothes was appointed Commissioner from King Charles the Second to the Scottish Parliament in 1663, the Castle of Dalkcith and Sheriffhall House were emptied of their furniture, which was transferred to Holyrood House, in order to furnish it for his residence. In "Ane Information to his Majesty concerning the Family of Buccleuch," by the five tutors in 1662, it is alleged of the promoters of the marriage that, "finding the late Lady sicklie, they caused mak requesta-

tion of all the moneyes which by the tutors was lent out upon heretabill infeftments, to the effect the samcn might become moveable, which by the band of tailzie was appoynted to be put to the foire to the airs of tailzie, which sowmes will extend to £124,116, 13s. 4d. Scottis, which they expect to fall to themselvis as executors." This was also one of the charges in the action for malversation brought by Scottstarvit and other tutors against Highchester, Harden, and Stobbs. --[Documents in Lord Polwarth's Charter-room.]



tract. And this course was taken. The Earl of Rothes having been one of the chief promoters of the marriage-contract, did not wish to appear prominently as seeking its reduction. An arrangement was therefore completed with Scottstarvit, Gorrinberrie, and Thirlestane, the tutors who had formerly opposed the marriage of the Countess Mary with the Earl of Tarras, and Langshaw and Baviaw, who had formerly been favourable to it, but had since resiled therefrom. A meeting was held at the lodging of the Earl of Wemyss in Edinburgh, when these five tutors resolved to administer the affairs of the Countess Anna, excluding Highchester, Harden, and Sir Gilbert Elliot, and to proceed at once with the action for the reduction of the marriage-contract.

The process was carried on vigorously during the winter session on the same ground as the former action, the minority of the Countess Mary. The power and influence of Rothes, which was now considerable, backed by that of the Earls of Lauderdale and Tweeddale, now acting in concert with the five tutors, was sufficient to show Highchester that his case was hopeless. On being called on to produce before the Court of Session the contract of marriage between his son and Mary, Countess of Buccleuch, he refused to do so. The Court thereupon pronounced decrec against him for non-appearance and non-production.<sup>1</sup> Another action was raised by Scottstarvit and the tutors adhering to him, against Highchester and the tutors who had acted with him in promoting and defending the marriage, for malversation in their office ; but the "Information" by the five tutors, previously quoted, reports that the process "hes bein hitherto holdine off, by what meanis is unknowne." It adds that if sentence should be pronounced "againes the said malversand tutors, not only the deids done by them illegallie will fall, bot it will bring them in perell of lossing a great pairtt of ther owne estates for ther bygone actings contrare to ther trust." This process, however, was never carried to a conclusion.

Thus ended, in failure to some of the principal actors, the intrigues which

<sup>1</sup> Information by Sir Gideon Scott.

had surrounded the infancy of Mary, Countess of Buccleuch, whose welfare had been sacrificed to advance the interests of those to whose guardianship she had been intrusted. Her youthful promise, cut short by an early death, was commemorated by an unknown poet of the time, in an elegy which may here fitly close her Memoir:—

Here goes into the grave, a glorious prime :  
Honour and Fame were but attending time  
Of farder ripening, and the bringing on  
Of her fair flourish to perfection.  
But O! when Time did Fame and Honours call,  
Then comes proud Death, and swiftly ruins all.  
So wise and young ; so young and so compleit ;  
Greatnesse and Goodnesse trysted here to meet.  
Farewell, sweet Countesse ! it's thy noble dust  
Which is committed to this tomb in trust.  
The splendour of thy virtues and their rayes  
Shall shine in our horizon many dayes.<sup>1</sup>

Maria Buccleuche

Buccleuche.

<sup>1</sup> Scottish Elegiac Verses 1629-1729, Edinburgh, 1842, p. 127.

JAMES

# MEMOIR

OF

WALTER SCOTT OF HIGHCHESTER,

CREATED EARL OF TARRAS FOR LIFE,

HUSBAND OF MARY, COUNTESS OF BUCCLEUCH.

IN the preceding memoir of Mary, Countess of Buccleuch, several notices of Lord Tarras as her husband have been necessarily interwoven with the narrative of her life. He was born on the 23d of December 1644, as appears from the registration of his birth in the records of the parish of Wilton.<sup>1</sup> At the time of his marriage in 1659, Walter Scott was thus only in his fifteenth year. As he survived the Countess Mary for many years, a farther account may be given of his career.

Previous to the reign of King Charles the Second, when a commoner married a Peeress in her own right, it was supposed that the husband became a Peer in right of her dignity by the courtesy, in the same way as the husband became entitled to the landed estate of an heiress. The law of courtesy in peerages has been much discussed, and is still a very uncertain subject. In the reign of King Charles the Second, several commoners married ladies who were Peeresses in their own right. But in no instance did the King acknowledge any right of the husband being a Peer through the courtesy of the dignity of his wife. The general practice was to create the husband a Peer for life only, either by the name of the dignity of the Peeress wife, or to give a liferent dignity of another name.

Although young Highchester on his marriage with Mary, Countess of Buccleuch, was addressed in her letters to him as Earl of Buccleuch, and although he himself also assumed that dignity on several occasions, the right

<sup>1</sup> Extract, dated 21st February 1659, of entry in Register, in Lord Polwarth's Charter-room.

was not recognised by the King. Following the practice observed by King Charles in other cases, his Majesty created Walter Scott Earl of Tarras, Lord Almoor and Campeastill for his life only. The patent is dated 4th September 1660, and the following is a translation of the original, which is in Latin :—

Charles, by the grace of God, King of Scotland, England, France, and Ireland, Defender of the Faith, to all his good men to whom the present letters shall come, greeting. Know ye, forasmuch as all titles, honours, and dignities ought to flow from us as the fountain to our faithful subjects, and whereas it is well known to us that our well-beloved Walter Scott, younger of Haychester, and now husband of our well-beloved cousin, Mary, Countess of Buccleuch, is sufficiently provided with fortune to uphold the dignity and title of Earl, which we have resolved to bestow upon him for his additional encouragement to persevere faithfully in our service : Wherefore, and also for other good reasons moving us, we have made and created, and by the tenor hereof make and create the forenamed Walter, Earl of Tarras,<sup>1</sup> and Lord Almoor and Campeastill for the days of his natural life, that he may be so designated and called, with all rights, privileges, honours, dignities, and precedencies belonging to the foresaid title, and that he may enjoy place and precedence from the date hereof, and sit and have a vote in all Parliaments, General Councils, and other Conventions, as freely and amply as any other Earl of this our kingdom. Moreover, that he may assume during that time such a coat-of-arms as may be competent to the said title, with which we have commanded him to be furnished by our Lyon King-of-Arms. And always we dispense with his abstaining from the arms of the Earl of Tarras, so long as the Countess of Buccleuch, his wife, shall be alive, during which time it shall be lawful to him to bear the coat-of-arms of the family of Buccleuch, and that in respect of the destination in the taillie of his estates made by our well-beloved cousin Francis, not long since Earl of Buccleuch ;<sup>2</sup> and the foresaid Walter shall hold the said title and dignity of Earl during his life, of us and our successors. In witness whereof, to these presents we have com-

<sup>1</sup> The name was taken from the lands of Tarras or Black Tarras, in Eskdale, Dumfriesshire, which then belonged to the grantee. Tarras Water was celebrated in poetry for

“The good bull-trout,  
If he be ta'en in time.”  
Easter and Wester Almoor, in the parish of

Roberton, Selkirkshire, formed part of the grantee's estate of Highchester.

<sup>2</sup> No patent of arms to the Earl of Tarras is in the records of the Lyon Court, nor has any armorial seal been found in the Harden repositories. A small seal which he used in sealing letters had his monogram of W. E. T., surmounted with an Earl's coronet.



manded our Great Seal to be appended, at our Court of Whythall, the fourth day of the month of September, the year of God one thousand six hundred and sixty, and of our reign the twelfth year.<sup>1</sup>

The latter will of the Countess, and the success of the opponents of the marriage in obtaining the reduction of the marriage-contract, deprived Lord Tarras of any provision from the Buccleuch estates. Many attempts were made by petitions to the King, and by negotiation with the Countess of Wemyss and her relations, to arrive at a settlement whereby the Earl of Tarras would receive an allowance from the Countess Anna. Lady Wemyss professed herself anxious to promote his interest, but according to the statement of Highchester, it was only to further her own ends. She undertook to represent the case to his Majesty, but, says Highchester, the case was "misrepresented by sundrie, amongst whom my Lady Weems, notwithstanding all her promises and engagements, is not the least industrious."<sup>2</sup> She advised him not to present a petition to the King, but to give in a full and absolute submission of all claims to his Majesty. This advice Highchester declined to follow, suspecting that the Countess was leagued with the Earl of Rothes to lead him into a trap in order still better to secure themselves.

In the year 1661, shortly after the death of the Countess of Buccleuch, negotiations were carried on between Sir Gideon Scott, for the interest of his son, and Lady Wemyss. The agent who was employed on the part of the Earl of Tarras reports in October of that year that he had proceeded to Wemyss Castle, where he had an interview with the Earl and Countess of Wemyss. Her ladyship proposed that twenty thousand merks per annum should be secured to the Earl of Tarras by a decret of the Court of Session. An agreement was drawn up in these terms, but was never brought to a conclusion. The reduction of the marriage-contract, which took place soon afterwards, no doubt influenced the proceedings of the Countess of Wemyss.

Sir Gideon Scott then proceeded to London and presented a petition to King Charles the Second, having previously shown it to the Earl of Lauderdale.

<sup>1</sup> Original Patent at Mertoun.

<sup>2</sup> Information by Sir Gideon Scott.

dale and received his approval. The petition sets forth that the reason for the non-production of the marriage-contract in the action for reduction, was in deference to his Majesty's expected interest in the affairs of the Buccleuch estates, in consequence of the proposed marriage between the Countess Anna and the Duke of Monmouth. His Majesty, without reading the petition, handed it to the Earl of Lauderdale, who, according to the statement of Sir Gideon Scott, sent it to Scotland to the enemies of Lord Tarras, "who thereupon met and consulted their lawyers, namely, Sir John Nisbett, who advised them to procure of his Majesty a delay to the petition, untill the Duke of Monmouth's curators were chosen, which resolution of theirs some friend to Heychesters did acquaint his wife with, and she wrote the same to London to him, and he received it just two dayes after my Lord Lawderdail had given him the same answer, in termes as from the King. Whereupon Heychesters returned home to Scotland, not making any move at all in his son's businesse, knowing very well what sort of curators the Duke of Monmouth would be furnished with."<sup>1</sup>

Lord Tarras in the year 1667 departed abroad, where he remained for some years. He kept a Journal of his travels in France, Italy, and the Netherlands, which forms an interesting manuscript volume of about two hundred closely-written pages. An incident which happened to him and his companions near the Gulf of Salerno, then infested with banditti, gives a lively picture of the difficulties which beset the traveller in Naples in the seventeenth century. They had hired a felucca for the voyage to Sicily and Malta, and after passing Salerno they put into a small creek where there was a miserable inn :

"When we came in, there meet us two rascalls that made us wellcome, and asked us presently if we would dine, and whither we would dine *al pasto* or *al conto* (*al conto* is when every piece of meat is priced, and *al pasto* is when soe much is payed be every one as in ane ordinary). We answered we would eat *al pasto*, and give them their ordinaive, and refere ourselves to the discretion of our hoste ; soe were caried up to a rounge, where we putt by our armes, and were presented

<sup>1</sup> Information by Sir Gideon Scott.

with a glasse of wine. The cloath was laid and our diner served up. When we were sett imediately there clapt to every one of our backs a rascal, with each a pistolet at on side and a dagger at the other, their blak barrets ore bonets on their heads à la Spagniola. When we perceived this, we looked one to another and thought we were in a mistake. However, we putt the fairest face on the matter we could, and eat our diner pretty pleasantly considering the posture our pages were in that served us. The truth is they caried to us pretty familiarly, and we took all in very good part. I remember one of the gentlemen of the company, that was not soe well satisfied with his varlet's service as the rest of us were with ours, called for a glasse of wine a litle briskly; his man made as if he had not heard him. The gentleman turns about in a huffe, 'doe not ye hear,' said he; 'why doe ye not give me a glasse of wine at first call?' The other answers, '*e perche non lo demandate voi con migliore gracia dunque,*' that is, 'and why doe not ye call for it then with a better grace?' and, having said this, laughed disdainfully, and looked to his camarads. Our gentleman then very civilly desired a glasse of wine, and gott it: this and the like passed *courante*. Another passage which I remember hapened upon our discussing our last dish of meat, which consisted of seven half pignons—half a pigeon a man. We asked them if there were not yet some more meat for us. 'How!' say they, 'have yee not had allready enough, three dishes of meat, viz., a *minestra*, an *antepasto*, e *mezza pigeone per huomo*, and ther's your descert, which maks the fourth, e *che Diavolo che volete più*, what the divill would yee have more?' Soe, turning from us, he says to the next rascal, his camarade, *Per Dio Santo que sti forastieri mangano della carne come li cani*; that is, 'By the holy God, these strangers eat flesh like dogs.' This passed likewise. Diner's ended, and we give them what they will, and bids them adieu. They complement us in offering to waitt on us to our filoucqva. Soe away we went all together, and when we were in the open fields, and nier our filoucqva, we begun to tell them that now we were on equall termes, and asked them how they came to use us so rudly while we were in their reverence. Thus we went on, non of us behind hand with other in our rough reasoning, till we were entered our filoucqva. From thence we bad them 'adieu, rascals and banditi.' They returned us our complement, and withall swoore by the mother of God, if they had us now as they had us within this half hour, there should not a dog's soul of us escape. Upon this, to free us of their further trouble, one of the gentlemen, Msr. de Salez by name, turns one of the mounted pieces of our boat and

fires among them, and immediatly we fyred every man a pistolet, which made them show their healls. There was non of them killed, whither any were wounded I can not say. Our patron (pilot) was extremly concerned, lest they should have maned out a fillouequa or two after us, therefore we rowed hard till we came to Capo del Aracosa, which we recovered before night."

On his return from the Continent, Lord Tarras proceeded to London, where a letter awaited him from his father, containing advice and directions as to the Earl's conduct at Court. The letter of Sir Gideon Scott is characteristic, and reveals somewhat of the nature of the man who exercised no small influence on the destiny of the family of Buccleuch :—

Edinburgh, March 23, 1670.

SONNE,—Ye may expect from what I have formerlie written to yow, that now since ye are comeing toward the Court of England, I should give yow some advice, quhair ye will have most neid of good advice ; bot trulie my interest in yow makes me more desyrous nor I finde my selfe able to give a solide and weille grounded resolution in sundrie things : for besyde my owne weaknes, the vncertaintie of quhat may occurre to yow there, ought to discourage a wyser man nor me from adventureing vpon a too punctuall advice in many things, quhich may rather be a hinderance nor ane advantage to yow, and therefore I referre yow (as to the maine) to God's direction, and to the rules of prudence and discretion, and shall insist only vpon a few things quharof I have some experience, and are possible not yett knowne to yow.

When ye are att Court ye will be as it were vpon the stage, quhair your deportment will be narrowlie observed, and will gave occasion to wyse men (both friends and adversaries) to found ane estimation of yow suitable therto, and to frame their prognostickes of yow and your concernment accordingle, and therefore the greatest circumspection imaginable will be requisite both as to your cariage, discourse, and converse. It is lyke ye may meitt with discouragments and slights, for your pretence (or rather ane others interest quhairvpon yours hath much dependance) have begotten yow strong oppositts ; or quhich is more dangerous, ye may be assaulted with the fairest shewes of freindshipe quhair the worst offices is intended yow, against both quhich, integritie, ane inoffensive cariage, and a calme and even balanced mynde, neither discouraged with injuries nor elevatted



with hopes, is the safest bottome to stand vpon, and will bring more favour and more advantage to your interest nor impatiencie or buzelling for it can doe. I desyred yow formerlie, and ye ingadged to me accordinglie, not to medle in your busienes, lesse or more, vntill ye speake with me or have my speciall advice therin, quhich charge I doe againe lay vpoun yow, and therefore if any shall insinuat with yow vpoun that account, heare them civillie, and speake litle, and quhat ye say lett it be with a modest indifferencie, waveing the busienes, seeing your interest lyes att his Majestie's feett, and whensoever he shall be graciouslie pleased to take notice of it, then may ye expect satisfaction therin, for ye were yong when all these things concerning yow were done, and was then vncapable of the intricacies of your cause, and have not as yett hade occasion to bestirre your selfe therin, or to know any more of your busienes, bot quhat is obvious to everie bodie, quhich in reasone ought sufficientlie to excuse your not adventureing vpon it alone without my advice, quhich both nature and dewtie to a parent and also your owne interest ought to tye yow vnto. In the year 1662, quhen the (now Duchesse of Buccleuch's) tutors pursued a reduction of your contract of mariage before the Lords of Session vpon the inequality of the match and other reasones, and whilst the King (as was supposed) had not then received any badde character of me, bot (as was said) was graciouslie inclined to favour your interest, I then produced before the Lords a full and ample submission to his Majestie of your whole interest and claime, and thought it was pressed to be read (with some importunitie) for thrie severall dayes, yett it was denied to be read, wherevpon, and vpon the apparent interest his Majestie was lyke to have in that ladie, I refused to appeare any further in that processe, or to produce your contract of mariage, and thervpon the tutors obtained a decrett of the Lords against yow. Bot the yeare thereafter, I beeing att London, and some by that time haveing given his Majestie ane vnfavourable impression of me (by whom it was given, or in what particular, the Lord knowes, for I am as litle conscious to my selfe for quhat it may be as I am hopeles of ane opportunitie of vindicating my selfe, quhich they who have wronged me have possiblie been confident of), my Ladie Weyms was sett a worke (for quhich and other the lyke good offices I think hir Ladieship hath no great reason to bragge) to persuade me to give in to his Majestie, vnder your hand and mayne, a formall submission of all your claime and interest (and not by way of petition) as the only mean to ingadge his Majestie to deall honourable with yow, and that my not doeing of it would import a distrusting of his Majestie and the lyke, quhich I vnderstood to be bot



the contrivance of men more wyse nor just quho hade sett hir Ladieship a worke, and quho, vpon such a submission, might have made it their worke by their power and importunitie to improve that hard impression quhich his Majestie hade then received of me vnto a suitable determination in your case, and that irrecoverable, for thereafter ye could have no further pretence in law: so that if his Majestie should thereafter be better informed of your busienes, and more graciouslie inclined to favour yow, his former decision would make it impossible, vnles by ane act of his royall power, quhich in reasone may not be expected in such a trifle as your concernment is. But my ansuere was (and the lyke ansuere may also be of vse to yow), That it is the dewtie of all true subjects to submitt their lives, fortunes, and concernments vnto his Majestie, and accordinglie yours was then (and is yett) humblie prostrat at his Majestie's feett allreadie, although not formallie done in writt (quhich might expose his Majestie to a surpryzall, and yow to be insnared by the machinations of your adversaries), and that I intended no other methode for your redresse bot by humblie supplicatting his Majestie, quhich is the most vsuall way, and most beseeming a greived subject, and trulie it will be both your dewtie and your wysedome to be found allwayes in the same posture. And thereafter, in the year 1664, I humblie presented a petition to his Majestie for yow, my Lord Lauderdaill beeing present (quho also advised me therin), wherein I found so litle, either of successe or hope, as made me give it over for that time, and ther it lyes still. What the obstructions were might be discerned with more ease nor they may be spoken with safetie, and therefore I shall advise yow to be verie warrie of any words that may escape yow, quhich may any way imply the least reflection vpon any quho are entrusted by his Majestie, bot especiallie privie counsellors, or officers of state, for it is criminall; and therefore I have shewed yow these things, not to furnish yow with matter of debate, bot to informe your judgement, nay, not so much as for discourse, bot only to such intimat friends of who's fidelitie and kindnes ye are (vpon good ground) confident of, and quho may be vselfull to yow att least by a favourable report if they shall finde opportunitie.

Now, as to your repaireing to Court in your way homeward, as I think it absolutlie your dewtie so to doe, that therby ye may present your selfe to your soveraigne as readie to receive and obey his commands, or att least (if his Majestie shall thinke you worthie) to be honoured with a kisse of his hand. So I thinke your aboade ther any long tyme (after so much expence abroad, wherein although ye have striven to be reasonable, yett ye will find when ye are come home that I

have strectched my selfe to my power) will not be fitt. I thinke about a moneths stay or so, lesse or more, as ye find encouragement or discouragement, will be sufficient. When ye are come to London ye would be as litle seen or knowne to be ther as can be, vntill yow come to kisse his Majestie's hand ; for till then it is not fitt to apeare att Court openlie, and it is the Earle of Lauderdaill's place, as Lord Secretarie for Scotland, to present all noblemen and persons of qualitie quhen they come to be honoured with a kisse of his Majestie's hand, and they make their application to his Lordship for that effect so soon as they come to Court, quhich I did allwayes, leas I should have disobleidged him, and he accordinglie tooke me to the King, for I hade allwayes civilitie eneuch of my Lord Lauderdaill, bot litle freindshipe. Yet I thinke it fitt that in the first place, and so soon as ye are in a dresse for Court, that ye visite the Duchesse of Buccleuch and the Duke, and if hir grace by her selfe, or by my Lord Duke's procurement, obtaine yow a kisse of his Majestie's hand, it were better to be done by one of them then by any other ; and I thinke my Lord Lauderdaill will not take it ill that ye acquire that favour by either of them, both in respect of that highe station they are in att Court, as also in respect of your relation to her Grace, and so much the rather, because ye may be supposed neither to know the methode of addresse of that Court, nor to have the honour to be acquainted with the Earle of Lawderdaill ; bot in case neither the Duke nor Duchesse of Buccleuch be willing to doe yow that honour, then I know no other way bot by my Lord Lauderdaill, vnles ye would ingadge him to be youremie ; and if he should doe yow that office slightlie, or to your disadvantage (quhich indeid is verie much in his power to doe), ye must beare it patientlie and without repyneing. And whither his Lordship present yow to his Majestie or not, ye would not neglect to pay him those respects that are dew to his dignitie and place. And quhen ye have once kissed his Majestie's hand ye would vse diligence to be now and then in sight of him, especiallie quhen heis att his walke even though he should not att all speake to yow, and do not faile quhen ye are to come homeward to kisse his Majestie's hand before ye come away, and bring home no French nor English servant with yow. Now if ye could be so fortunat as to gaine (vnobservedlie, and without shew of diligence) a privat freind quho hade some dexteritie, and would be att the paines to advert to your interest and give you notice therof, or the favour of some honourable persoune of interest and significancie att Court, quho were of power to give a checke to any sinister impression that may be given of yow or your con-

cernment, or could remedie the same if done, it might prove of great advantage to yow. I doe not mean that any should be desyred to interpose (as your busienes now stands) in your concernment designedlie and on purpose (for vnseasonable activitie in your busienes may be of more prejudice nor advantage to yow), bot only occasionallie, and as they finde opportunitie, bot I fear such a freind shall be hard to be found. If the late Duke of Albimarle hade been alyve, or if the Earle of Midletowne were att Court, and hade power, I could have expected such a favour from one of them, bot now I know of none vnles the Duchesse of Buccleuch should doe it; bot whither hir Grace shall doe it or not, I assure yow that ladie is the object of my best wishes and of my greatest feares; and this much ye may shew hir Grace from me, if ye finde a sesonable opportunitie of doeing it, otherwayes lett it alone. Ye would also vse meanes to be honoured with a kisse of his Highenes the Duke of York's hand. As also (if ye find good advice for it, for I can not advise you thereanent) of the Queen and the Duchesse of York's hands, the last of which may possiblie (if weill informed of your case) so farre sympathize with yow (hir Hyghnes haveing been, as yow are, envyed for a mariage above her birth) as to afford yow, att least, some regrate. Ye would visite the present Duke of Albimarle kyndlie. The most of my intimate friends quhich I had att Court are either dead or gone from thence, but I heare Mr. Askine, sonne to the Earle of Marre, the king's cup-bearer, and Sir James Mercer, are still there yett, quhom ye would visit vpon my account, and quho, I hope, will wishe yow no harme. If Sir Thomas Clergis (the late Duchesse of Albimarle's brother) be about London, ye would also visite him, whither he be in power or not, for he hath been much your freind formerlie, and he is both an honest man and verie able for either busienes or advice. Thus yow see I have advised yow to vse faire means for man's favour, if possible, not that ye should toyle too much or spend yourselve in pursuite of it, for happie are they quho have a surer refuge nor man to trust vnto; they shall not want counsell nor strenth nor abundant contentment, as weill vnder the frounes as vnder the favour of man, quhich non can beleive bot these quho in some measure enjoy it. Read this over againe, and consider it weill. God be with yow.

I am,

Your loving father,

GID. SCOTT.

For the Lord Tarras, so soon as he is att London—These.

On his arrival in London, Lord Tarras lost no time in again raising the question of his claims under the marriage-contract. He endeavoured to gain the aid of the Duke and Duchess of Monmouth in influencing the King in his favour. But he had a powerful enemy in the Earl of Lauderdale, whose daughter was married to the son of the Earl of Tweeddale. The King was not an unwilling listener to the advice of Lauderdale, and the efforts of the Earl of Tarras were fruitless. His presentation to King Charles the Second, and subsequent proceedings, may be given in his own words, in a letter to his father, dated 27th May 1671 :—

“ I dined with the Duke of Monmouth, and after diner he caried me with him to the Duchesse of Cleveland’s house, wheir the King was, and their I presented him with my petition. While I was yet in the Duke of Monmouth’s lodgings, he told me that he had beforehand acquented the King with my resolution to give him a petition, and that the King asked him what it was I would demande of him, and that he answered, belike I would demande a somme of money for my claime. The King asked what somme ; the Duke answered he could not tell. ‘ And now, my Lord,’ said he to me, ‘ if after yow have given the King your petition he shall ask me again what somme yec would piche upon, what shall I say ?’ ‘ My Lord,’ said I, ‘ by my contract of mariage I was provided to £4000 per annum ; these ten years I have had noething, soe that I am £40,000 in arrieres ; but if the King will grante me £20,000 in ready money, I’ll rebaitt the other £20,000, and turne over my right for the tyme to come upon yow.’ ‘ But,’ said the Duke, ‘ what if the King be unwilling to part with such a somme of money, would yow not be content of a pention.’ ‘ Pentions, my Lord,’ said I, ‘ are ill payed and uncertaine ; the King who grants pentions gives them only for his own lifetyme ; but if the King will secure to me £20,000, I am content to allow four or five years’ tyme for the payment of it ; and if the King be resolved to doe me justice, but thinke that somme too great, I shall be content to rebaitt yet something of it.’ He promised to shew the King soe much, and withall bid me desire his wife the Duchesse speake the King in my behalfe, which I did upon the Tuesday, and she promised me faire ; but on the Wednesday, when I went to her to ask what she had done, she said she had not had the opportunity, but she would. At the same tyme I asked the Duke what the King thought of my



petition. He told me that he had referred it to my Lord Laderdaill, "and yee would doe well to goe to him and see what he says, but I could wish my wife should speake first the King;" and just as he said so came in the Ducheses of Buckingham and Albemarle, and within a litle they went all out together; soe that night I went home, and the next day, being Thursday, about eleven a clocke I went to see the Duchesse, who was yet in bed. Then I resolved to goe ask my Lord Laderdaill concerning my petition, for I thought it not fitt to delay it any longer, it haveing been presented upon the Monday. He was just comeing out of his lodgeings when I went thether. I told him I was comeing to waitt one him; that two days agoe I had presented my petition to the King. 'I know, my Lord,' said he, 'and the King hes shown it me, and his answer is that he will doe noething in it.' 'Noething,' said I, 'my Lord.' 'Noething,' said he; 'I am to tell the Duke of Monmouth of it,' and soe turned away from me and went alongs the gallery to the Corte. Whereupon I came backe to the Duchesse of Monmouth and told her the reception I had had of my Lord Lawderdaill, and did once again intreat her to speak the King in my behalfe. She said she should, but att night she told me again she had not had the occasione, soe that I am afraid she shifts it, and that they will hold hier and doe noe more: for to appeare zealous for me, they can not be att the pains, and without they bee it's impossible to doe any thing to purpose against such ane heart enemy as my Lord Lawderdaill seems to me to be. And I do not know what else is in it, but I am mighty suspicious that these advices, concluded upon att the Weymes, and sent up to the Duke and Duchesse, may hint att me. Seure I am my lady towards me is a litle more reserved of laitt then she was wonte to be, but extraimly civill, and the Duke too. My Lord Lawderdaill will doe me all the ill offices he can, because I make my addresse wholly to the Duke of Monmouth, for that galls him, and soe much I did tell the Duke. And yet, though I had from the begining applied my self to him, I am persuaded that should not have availed me."<sup>1</sup>

Lord Tarras remained in London for some time, and the Duke and Duchess of Monmouth, on more than one occasion, spoke personally to the King regarding his claims. But they had little hope of success. Monmouth said, "The King is very willing to doe justice and reason, but when a man askes him money, that affrights him, for he hes soe much to doe with it

<sup>1</sup> Original Letter in Lord Polwarth's Charter-room.



already." Writing to his father on 17th June, Tarras informs him that he had been to Windsor with Lord Oxford, and that the Duchess had told him that Monmouth had again spoken to the King for him, and he adds, "Truly the King she found was very little inclined to favour me, for he said, 'Is it not enough that I have made him an Earle, though I doe noe more?' and that the Duke answered that I was the worse of that, since I had not wheir-upon to maintain the porte of an Earle, and that whate I pretended too was by vertew of my contract of mariage, for it was a shame I should have noething upon that account. The King seemed not to notice much that which the Duke spoak anent my contract of marriage, but said over again he had made me an Earle."

A few weeks after that interview, the Duchess of Buccleuch again spoke to his Majesty, but to no purpose, as he answered the same as formerly. Lord Tarras, finding that there was no hope of succeeding in his appeal to the King, determined to leave the Court, and in September 1671, he wrote to his father—"In a few days I am to parte homewarde since I find my longer stay hier will be in vaine."<sup>1</sup>

The money for which Lord Tarras was pressing the King was alleged to be owing to him from the Buccleuch estates; and if payment had been made, it would have been out of the income of the Duke and Duchess of Buccleuch and Monmouth. As they knew that Lord Tarras could not, or would not, legally enforce his claim, they appear to have been lukewarm in forwarding it with the King. Lord Tarras was deluded from time to time with the idea of the payment of his claim as the husband of Countess Mary. But no payment was ever made, and his descendants of the present generation, when in the schoolroom at Mertoun, had occasionally prescribed to them as a calculation the amount of arrears of annuity of £4000 under the marriage-contract, which was supposed to be owing to the representatives of Lord Tarras by the Duke of Buccleuch. The total amount, with accumulated interest for two centuries, was always boasted of as sufficient to ruin the affluent debtors!

<sup>1</sup> Original Letter in Lord Polwarth's Charter-room.

The plots in England, near the end of the reign of King Charles the Second, which had for their object the exclusion of the Duke of York from the succession to the throne, received some support from sympathisers in Scotland. Arrangements were secretly made to organise a party to act in concert with what was called the "country party" in England, in order to bring pressure to bear on the King, so that he might be forced to consent to the exclusion of his brother. Lord Tarras was one of those taken into the confidence of the leaders of the movement, and on the discovery of the plot he was apprehended and tried for treason. The Duchess of Buccleuch exerted her influence with the King on his behalf, but she appears to have had no expectation of a fatal termination to the trial. She writes:—

[No date.]

SIR,—I resav'd your letter when the King and Duke was at Neumarket, so it was not in my powr to soliccett in my brother Tarras busines. In short, I will tell you what I thought would be best for him, which was to tray if the Duke would interposs for him with the King. Accordingly I told the Duke what was desird in the letter I resav'd from you. The Duke told me that the King's positive resolution was that my brother Tarras should com to a speedy trayell, and this the Duke asurd me of. Now I am glad that he is lickly to have an end of this troublsom busines, for I have no fear for him, becaus I can not think he is guilty of anie such offencess as can prove fatall to him, and I am sure the King is so gracious that ther is no fear anie thing will be presst upon him contrary to justice. I can not take upon me to have much powr, but I will assure you that I shall ever be consernd for my brother, as much as he can exspectt from one that has the relation I have to him, and particuler obligations to besides. This I desir you to assur my Lord Tarras of, and if ther is anie thing else that I can do for him lett me know it, and my indevors shall not be wanting. This is all att present from

SIR, your sarvant,

For Sir Williame Scot.

A. BUCCLEUCH.<sup>1</sup>

The Countess of Tarras pleaded with her husband to make a full confession of all that he knew of the plot, either concerning himself or others implicated, an advice which he followed, and his evidence was made use of

<sup>1</sup> Original Letter in Lord Polwarth's Charter-room.

by the Government to procure the condemnation of Robert Baillie of Jerviswoode, who suffered on the scaffold :—

Desember 18, [16]84.

MY LORD,—For God saek, and if you have anny kindnes for me or for the sefty of my lief, as weall as the reگرد of your oun, be ingenius with the register as to all you knou, ether of your self or anny other. Giv as full ane account emediatly as posibell ; and if you can remember anny further after, let the Lords knou all you can setisfie in. This I beg for your saftie, which is the only thing I am consend in in the world.

Yours in extremety of consern for your seftie,

For the Earl of Tarras.

HELEN TARRAS.<sup>1</sup>

Lord Tarras presented a petition to the King confessing his guilt, and expressing his resolution to submit to his mercy, his only hope being in his Majesty's clemency. In his written confession, made in December 1684, to the Lords of the Secret Committee, Lord Tarras narrates the conversations and correspondence which had taken place with Jerviswoode and others. He states that Jerviswoode told him that the Carolina emigration scheme was only a pretence, and that the true design was to press forward the people of England to take effectual measures for passing the Bill of Exclusion for setting aside the Duke of York and securing the Protestant succession. That Jerviswoode said to him that the King might be induced to consent if the Parliament would take sharp measures with him. Money was to be conveyed to Holland by Jerviswoode for the purchase of arms, and Archibald, Earl of Argyll, was to receive £10,000 sterling to enable him to act in concert with the rest of the confederates. After Jerviswoode proceeded to London, he corresponded with Tarras, giving him an account of the progress of the plot. The confession also implicated the lairds of Philiphaugh, Polwarth, and others.

Lord Tarras was brought to trial on 5th January 1685, and being found guilty, his dignities and estates were forfeited, his armorial bearings ordered to be torn, and he was condemned to be executed. The judgment, however,

<sup>1</sup> Original Letter in Lord Polwarth's Charter-room.

was merely formal, as his confession had saved his life; and a remission having been granted in terms of a royal letter, dated 29th January, he was liberated under a bond for £3000 sterling for his appearance when called before the Privy Council. The bond of cautionry was signed on 4th February 1685.<sup>1</sup> The personal estate of the Earl was restored to him in April 1686, and in the following year he was reinstated in his honours and lands by a letter of Rehabilitation under the Great Seal, 28th June 1687. While the terms of the Rehabilitation were being arranged by the Earl of Melfort as Secretary of State, application was made by Lord Tarras to have the grant of his dignities in favour of himself and his heirs-male, which would have converted his original liferent into one of fee. But the restitution appears only to have been for life, the same as in the original patent.<sup>2</sup>

The Earl of Tarras married, as his second wife, at Edinburgh, on 31st December 1677, Helen, daughter of Thomas Hepburn of Humbie, in East Lothian. Through that marriage the descendants of Lord Tarras reaped more advantage than they did from his first marriage with the greater heiress of Buccleuch. The estate of Humbie now belongs to Lord Polwarth.

Of that second marriage there was issue five sons and five daughters, whose names are given in the Pedigree of the Scotts of Harden.

Lord Tarras died in the month of April 1693, in his forty-ninth year, when his life dignities became extinct. His eldest son, Gideon Scott of Highchester, under that name and designation, expeded a service as heir to him in the lands of Minto and others on 7th September 1694. From the second marriage of the Earl of Tarras is lineally descended Walter-Hugh Hepburn-Scott of Harden and Humbie, now sixth Lord Polwarth—a title which came to his grandfather, the late Hugh Scott of Harden, as the fifth Lord, through the marriage of his father, Walter Scott of Harden and Lady Diana Hume, third daughter of Hugh, third Earl of Marchmont, Lord Polwarth.

<sup>1</sup> Original Bond in Lord Polwarth's Charter-room.

<sup>2</sup> Letters of G. Drummond, etc., in Lord Polwarth's Charter-room.







ANNA DUCHESS OF BUCCLEUCH AND MONMOUTH, B. 1651 D. 1732.  
WITH HER SONS JAMES EARL OF DONCASTER,  
AND LORD HENRY SCOTT, AFTERWARDS EARL OF DELORAINE.



James Duke of Monmouth & by-clutch Earle of Doncaster Salkeith scot of Tindale whichester & Whedale Lord great Chamberlain  
of Scotland Lord Lieutenant of the East Riding of Yorkshire governour of his Majesties town & Citadell of Kingston  
upon hull Chiefe Justice in Eyre of all his Ma<sup>ties</sup> Forreign Chaces Parks and Warrens on the South side of Trent Chancellor  
of the University of Cambridge M<sup>o</sup> of the Horse to his Ma<sup>ties</sup> one of the Lord of his Ma<sup>ties</sup> most honor<sup>able</sup> privy Councell  
of the most noble order of the Garter &c. A. Blouet. Sc.

W. Lely. Pinx.





MEMOIR  
OF  
THE LADY ANNA SCOTT,  
DUCHESS OF BUCCLEUCH AND MONMOUTH.

LADY ANNA SCOTT, the third and youngest daughter of Francis, Earl of Buccleuch, was born at Dundee, on Tuesday, 11th February 1651. The occurrence of her birth at Dundee is accounted for by the circumstance of her father having been appointed, by the Committee of Estates, inspector of the troops levied in Forfarshire for the final effort made in the cause of King Charles the Second after the defeat of the Scottish army at Dunbar. His Countess, Lady Margaret Leslie, followed him to Dundee when the south of Scotland was overrun by the troops of the Commonwealth.

On the death of her sister the Countess Mary, in 1661, Lady Anna succeeded to the Peerage dignities of Countess of Buccleuch and the territorial earldom of Buccleuch, as the only surviving child of her father, Earl Francis. The incidents in the lives of the two sisters had in them much in common. Lady Anna Scott, like her sister, passed her early years at the Castle of Dalkeith and the mansion-house of Sheriffhall, removing thence to Wemyss Castle on the marriage of her mother to the Earl of Wemyss.<sup>1</sup> Both

<sup>1</sup> The tutors appointed by Earl Francis and education at 10,000 merks yearly.— named the sum to be paid to the Earl and Vol. ii. of this work, p. 315. Countess of Wemyss for her maintenance



sisters were, in their childhood, surrounded by intrigues for the disposal of their persons and the control of their large inheritance. Both were married at an early age,—the Lady Mary at the age of eleven, and the Lady Anna at twelve. But here the resemblance ceases. The early death of the Countess Mary has been recorded in the preceding pages. Her sister, on the other hand, was destined to possess the dignities and estates of Buccleuch for the unusually long period of seventy years, having succeeded soon after the Restoration and lived during the reigns of six sovereigns. United to the brilliant and captivating Monmouth, the Lady Anna took at once a prominent position in the gay Court of King Charles the Second. Partaking freely of its more innocent gaiety, her native prudence kept her apart from the temptations of that licentious Court. No whisper of scandal ever assailed her. On the contrary, the contemporary writers who notice the Duchess of Monmouth, invariably speak in terms of respect of her admirable character and conduct. Evelyn notes her as “one of the wisest and craftiest of her sex.”<sup>1</sup> Another writer remarks that “her mind possessed all those perfections in which the handsome Monmouth was so deficient.”<sup>2</sup> Dr. Burnet relates that the Duke of York “commended the Duchess of Monmouth so highly as to say to me that the hopes of a crown could not work on her to do an unjust thing.”<sup>3</sup> But the bright promise of her youth was soon overclouded. Sir Walter Scott has depicted the Duchess in her castle of Newark giving a kindly welcome to the dejected minstrel, prompted by the remembrance of her own trials—

“The Duchess marked his weary pace,  
His timid mien, and reverend face,  
And bade her page the menials tell  
That they should tend the old man well.  
For she had known adversity  
Though born in such a high degree ;  
In pride of power, in beauty’s bloom,  
Had wept o’er Monmouth’s bloody tomb.”<sup>4</sup>

<sup>1</sup> Evelyn’s Diary.

<sup>2</sup> Memoirs of Count Grammont.

<sup>3</sup> Burnet’s History of his own Times.

<sup>4</sup> Lay of the Last Minstrel.



The materials for writing the life of the Duchess Anna—so far as her correspondence has contributed to it—have been obtained from the collections at Wemyss Castle, Melville House, and those of Cromartie and Royston. These sources are in addition to the Buccleuch Muniments. A memorandum, written by Mr. David Scrymgeour of Cartmore, General Receiver to the Duchess, shows that about the year 1700 a large collection of letters, including a considerable number from the Countess of Wemyss, was at that time preserved among the Buccleuch Muniments. None of these letters are now known to exist. They were probably destroyed in the great fire in Edinburgh in the year 1700, when the Earl of Melville had his arm and hand severely burned while rescuing from the flames the Buccleuch Charters and more important documents, which narrowly escaped destruction.

The eagerness of the Earl of Rothes to obtain from the King the gift of the ward and marriage of the Countess Anna, and his success in securing it, have been related in the preceding Memoir. The subsequent action of Lady Wemyss regarding the marriage of her daughter is said by Highchester to have been mainly caused by her disappointment and vexation at the action of Rothes, and her fears that her brother would use the power he had obtained to arrange for the marriage of the Countess of Buccleuch to the son of the Earl of Tweeddale. However that may be, Lady Wemyss was determined that no time should be given for the arrangement of any rival scheme for the disposal of the hand of the Countess Anna. Only two months after the death of the Countess Mary, Lady Wemyss wrote to the King, and, although her own letter has not been preserved, the reply of his Majesty sufficiently shows its nature :—

MADAME,—I have receaved your letter of the 28th May, by William Fleming, and am very sensible of the affection which you shew to me in the offer you make concerning the Countesse of Buccleugh, which I do accepte most willingly, and the rather for the relation she hath to you. I will in a shorte time send more particularly to you about settling that whole affaire, which I looke vpon

now as my owne interest. In the meane while, I must thanke you againe for it, and be most assured that I am,

MADAME,

Your very affectionate frinde,

Whithall, 14th June 1661.

CHARLES R.

For the Countesse of Wemyss.<sup>1</sup>

Lady Wemyss was much elated at the manner in which the King had received her proposal for the marriage of her daughter and his son, and on 25th July 1661, wrote to his Majesty as follows:—

MOST SACRAD SOUERAING,—I reseued your Maiestie's most grasious letir, and, by the expresions therof, acounts myself mor hapie then any thing els in the world cowld haue maid me. I sell wat for your Maiestie's further comands conserning that perticuler, as becometh,

DRIED SOUERAIN,

Your Maiestie's most denoted and humble Seruant,

MARGARIT WEMYSS.

Elcho, 25th July 1661.

For the King's most Sacrad Maiestie.<sup>2</sup>

If the Countess hoped for an alteration of the gift of the ward and marriage in her favour, she was doomed to disappointment. On 25th August 1661, the King wrote to her:—

MADAME,—Since I saw you, I altered the gift of your daughter's ward, but I am confident you will not mislike it, when you consider it is for the aduantage of the family you are come of, and for a person I haue so greate kindnesse for, and who, I am sure, will be as carefull of your daughter as you can desire. I referre you to him to tell you what I haue further resolued in relation to that family, which will be euidence enough of the care I intende to haue of it. The rest will be tould you by the bearer; only, I assure you, you shall not haue reason to doute of the kindnesse of,

MADAME,

Your very affectionate frinde,

Whithall, 25th August 1661.

CHARLES R.

For the Countesse of Weems.<sup>3</sup>

<sup>1</sup> Original Letter at Wemyss Castle.

<sup>2</sup> Original Draft, *ibid.*

<sup>3</sup> Original Letter, *ibid.*

In order to insure the success of her project for the marriage of the Countess Anna and the Duke of Monmouth, and also to counteract any opposition by Rothes and Tweeddale, Lady Wemyss made overtures to Sir Gideon Scott, Sir William Scott of Harden, and Sir Gilbert Elliot for their assistance in promoting the marriage. At her invitation they proceeded to Wemyss Castle in order to consult with her as to the best measures to be taken. After imparting to them what she had already done, the Countess promised to be guided thereafter only by their advice in the matter of her daughter's marriage, and all her other concerns, which, says Sir Gideon, "they did neither regard nor believ." She told them that they "were the only persons of honour and integrity of all her daughter's tutors, and the other five tutors were but mercenary, and not to be trusted." She also promised that she would faithfully "study the settleing of her son-in-law, my Lord Tarras, his interest, and she doubted [not] but to effectuate that at his Majestie's hand, and that she had some assurance thereof already." To show her renewed interest in Lord Tarras, the Countess sent for him about that time to Wemyss Castle, and wrote to his mother, Lady Highchester:—"I haue kiept my Lord Tarras hier two or three uieks to bear my dowghter Bueleuch compeny, and to be at a Res<sup>1</sup> which a great many good compeny wer. I do cleim to gret ane interest in him, as I houp ye will not tak it ill." She was "exceeding kind to him," says Sir Gideon Scott, "and promised to do great maters for him, all which turned to smoak."<sup>2</sup>

The promises and blandishments of Lady Wemyss were so far successful that Scott of Harden and Elliot of Stobs, two of the tutors of Countess Anna, granted a commission under their hands to Sir Gideon Scott, empowering him to proceed to London and further the marriage between the Countess Anna and Monmouth.

He was instructed to make application to the King by petition, information, or any other way which he considered most expedient for the honour

<sup>1</sup> Horse-racing was then common in the county of Fife.

<sup>2</sup> Information, by Sir Gideon Scott.

and advantage of the Countess of Buccleuch. Especially he was to "advance and promote" the intended marriage between the King's son and the Countess "as the most honourable and advantageous way of disposing of her, and for settling the discomposures of her familie, and dasheing the hopes of any who have hitherto or may hereafter attempt anything to the dishonour or prejudice of that lady, or the dissolution or embeazelling of her estate." If that could not be accomplished, the King was to be requested to interest himself in her disposal in marriage in some other quarter with "honour and advantage."<sup>1</sup>

The King having expressed his approval of the proposed marriage as in all respects a desirable match for his son, Lady Wemyss resolved to take the Countess Anna to London to be presented to his Majesty, and facilitate the arrangements for the marriage-contract. The King having been informed of her intention, wrote to her Ladyship signifying his entire approval of the proposed visit:—

Whithall, 7 Aprill 1662.

MADAME,—I could not lett this bearer returne to you without accompanying him with a letter. I haue not much to say to you now, because I finde you do intende to come hither with your daughter, which I do very much approve of; and then you and I will adiuste all thinges that shall be best for her and the estate. In the meane time be assured that I am, and euer will be,

MADAME,

Your very affectionate frinde,

CHARLES R.

For the Countesse of Weems.<sup>2</sup>

Lady Wemyss proceeded to London with her daughter in June 1662. The Countess Anna was then, says Sir Gideon Scott, "a proper, handsome, and a lively tall young lady of her age," and the King was very favourably impressed with her appearance. Sir Gideon asserts that those who were desirous of promoting a marriage with the son of the Earl of Tweeddale had

<sup>1</sup> Original Commission in Lord Polwarth's Charter-room.

<sup>2</sup> Original Letter at Wemyss Castle.

endeavoured to prejudice the King against the Lady Anna, by representing her as of "low stature, weaknesse and infirmities of body, and uncomelinesse." But her presence at Court dissipated these misrepresentations, and confirmed the King's resolution to proceed with the marriage.

The Countess of Wemyss was so well received, and treated with so much consideration by his Majesty, that she could dispense with the aid of Sir Gideon Scott and the tutors who had supported him, and her promises to further the interests of the Earl of Tarras were speedily forgotten. Besides, the direction which her hopes had now taken would be fatal to the expectations of Lord Tarras. The plan which Lady Wemyss had now formed, and which Sir Gideon says she was sanguine of carrying into execution, was, that after the marriage, the Duke of Monmouth should be sent abroad to travel for some years, and be maintained upon the King's charges, and her daughter return to Scotland and reside at the Wemyss with her mother until she was twenty-one years of age. The rents of the Buccleuch estates would then be uplifted by the Earl and Countess of Wemyss for the maintenance of the Countess Anna. These expectations of Lady Wemyss and her husband will sufficiently explain her forgetfulness of the claims of Lord Tarras, as any allowance to him would be taken out of the Buccleuch estates, and would be, says Sir Gideon Scott, "a curtailing of the prey which they in their fond hopes had swallowed."<sup>1</sup>

The Earl of Rothes had for a time favoured the pretensions of the Earl of Tweeddale for a marriage between his son and the Countess Anna, but finding the King resolved on her marriage with the Duke of Monmouth, he co-operated with his sister in promoting that alliance. He was now rising in favour with King Charles, and by this course he still further ingratiated himself with his Majesty. Almost immediately after the marriage-contract was signed, Rothes was appointed his Majesty's Commissioner to the Scottish Parliament, which met on the 18th of June 1663.

The settlement of the terms of the contract of marriage had now to be

<sup>1</sup> Information by Sir Gideon Scott.



arranged, and for that purpose Sir Thomas Wallace, one of the legal advisers of the Countess, and Sir John Gilmour, President of the Court of Session, proceeded to London to give their advice. On behalf of the Countess of Buccleuch, Sir Thomas Wallace proposed that whatever estate the King settled on the Duke of Monmouth should be provided to the heirs-male of the marriage; whom failing, to the heirs-male of his body; whom failing, to the eldest heir-female of the marriage; that, previous to the contract, letters of legitimation should be issued in order that the Duke might be enabled to dispose of his own estate, offices, and dignities; and that he and his heirs should take the name and bear the arms of Buccleuch. Provision was also made for the daughters of the marriage.

The Countess of Buccleuch undertook on her part to dispo<sup>n</sup>e her whole estate to her husband and herself in conjunct-fee, and to the heirs-male of the marriage; whom failing, to the heirs-male of her own body; whom failing, to the eldest heir-female of the marriage; whom failing, to the eldest heir-female of her own body. In case she should die without issue within a year and a day of the marriage, she was content that he should have the life-rent of the estate. The Countess was also willing, on arriving at majority, to grant a new disposition of the estate to the heirs of her husband, failing heirs of her own body. The third part of the rent was to be reserved, to be disposed by her as she saw fit.<sup>1</sup>

These proposals on the part of the Countess of Buccleuch were considerably modified in the contract of marriage which was finally adopted. Lady Wemyss offered the heritable title of the whole estate to the Duke of Monmouth, failing heirs of the Countess's own body, which was accepted on his behalf. Sir Gideon Scott had, as previously related, been armed with a commission by Sir William Scott of Harden and Sir Gilbert Elliot of Stobs, at the instance of the Countess of Wemyss, to interfere in the negotiations for the marriage. He accordingly warned Lady Wemyss to beware lest

<sup>1</sup> "Proposals for the Countesse of Buccleuch, Oct. 18, 1662," in Lord Polwarth's Charter-room.

while she apparently secured the succession to the Buccleuch estates to the Duke of Monmouth, she might legally give it up to Lord Tweeddale's children, since there was a clause in the bond of tailzie, by virtue of which no heir-female succeeding to that estate and dignity could dispoise, alienate, sell, or wadset any part of the estate in prejudice of the next heir of entail, under the penalty of forfeiture of any title or claim to the same.<sup>1</sup> He was not unmindful of the claims of the Earl of Tarras, who had been infefted in liferent in the lands through which it was alleged the ward and marriage fell to the Crown. Sir Gideon proposed that in any settlement with the Earl of Rothes, an arrangement should be made by which Lord Tarras, on receiving compensation, should devolve his title and claims to his liferent of £4000 sterling yearly upon the Duke of Monmouth. The reduction of the marriage-contract of Lord Tarras, as fully explained in the Memoir of the Countess Mary, disposed of his claim to the liferent lands, and an arrangement with him was no longer necessary.

The advice given by Sir Gideon Scott was not acted on by those who had now taken the management of the negotiations, and he was not present at any of the meetings except the first. The Countess of Wemyss was now acting with the Earls of Rothes and Lauderdale, and the interests of the Earl of Tarras, as represented by his father, were laid aside.

The marriage-contract, as finally arranged, bears date at Whitehall and Edinburgh, 15th and 20th April 1663. The parties to the contract are King Charles the Second, taking the burden upon him for James, Duke of Monmouth, his son, and the Duke, with advice and consent of his Majesty, on the one part; and Anna, Countess of Buccleuch, with advice and consent of John, Earl of Rothes, President of his Majesty's Secret Council of Scotland, Hugh, Earl of Eglinton, George, Earl of Winton, David, Earl of Wemyss, Alexander, Earl of Leven, Alexander, Lord Montgomerie, George, Lord Melville, Sir William Scott of Harden, Sir Gilbert Elliot of Stobs, Thomas Scott of Whitslade, Mr. Thomas Ross, Mr. Laurence Scott of Bavilaw, and

<sup>1</sup> Information by Sir Gideon Scott.

Robert Scott of Harwood, her curators, and also with consent of Margaret, Countess of Wemyss, her mother.

The King bound himself and his heirs to provide £40,000 sterling, to be invested in the purchase of land within the kingdom of Scotland, in favour of the Duke of Monmouth and the heirs-male of the marriage; whom failing, to the heirs-male of his body; whom failing, the eldest heir-female of the marriage; whom failing, the heirs of his body whomsoever; whom failing, to return to his Majesty and his heirs. It was provided that if the Countess were the survivor she should possess the lands thus purchased during her lifetime, or the interest of the price if the purchase were not made.<sup>1</sup>

The Countess of Buccleuch, on the other hand, bound herself, her heirs and successors, to make resignation of the lands, title, honour, and dignity of the earldom and lordship of Buccleuch, for new infeftment thereof to be made to the Duke of Monmouth and herself, in conjunct-fee or liferent, and the heirs-male of the marriage; whom failing, to the eldest heir-female of the marriage; whom failing, to the eldest heir-female of her body whomsoever; whom failing, to the Duke of Monmouth and the heirs-male of his body whomsoever; whom failing, to the eldest heir-female of his body; whom failing, to his heirs and assignees whomsoever. It was provided that the Duke and his successors to these honours and estates should assume the surname of Scott, and bear the arms of Buccleuch.

It was further provided that this resignation and infeftment should not prejudice the Countess of Buccleuch, or the heirs of her body, in their right of succession; and that the consent of the Countess of Wemyss to the contract should not prejudice her liferent and lands provided to her by her late husband, Francis, Earl of Buccleuch.

<sup>1</sup> This undertaking on the part of the King was not carried out. But the Duchess, after the death of Monmouth, received from the Crown payment of a jointure or pension of £4000 per annum. Referring to the payment of arrears of her jointure—apparently during

the reign of Queen Anne—the Duchess writes to Lord Royston:—"The Queen has been verie kind to me, for it is not often that fourteen thousand pounds are all payed at one time." —Original Letter in Buccleuch Charter-room.

In the event of an heir succeeding to the honours and estates, and if the Countess survived her husband, she became bound to denude herself in favour of the heir of the marriage, of the lands of Buccleuch, except the sum of £5000 sterling yearly in liferent, for payment of which she was to retain certain lands specified. If the Countess predeceased her husband, her heirs were to have no right to his moveables. Provision was also made for the daughters of the marriage.<sup>1</sup>

The Earl of Rothes having received from the Crown a gift of the ward and marriage of the Countess of Buccleuch, a special contract had to be made with him. Sir Thomas Wallace, the legal adviser of the Countess, suggested that Rothes might discharge his rights of the ward and marriage as consentor to the contract of marriage, or by a separate contract and also by a simple discharge. By the agreement finally concluded and subscribed by the curators, the Earl of Rothes received £1000 sterling yearly for nine years, besides the cancelling of a debt of £3000 sterling, which he owed the Countess of Buccleuch.

A letter written by Rothes to the King, shortly after he received the gift, shows that he had engaged with his Majesty not to interfere in the disposal in marriage of the Countess Anna. He avows that he had promised to endeavour to bring about a marriage between the Countess and his brother-in-law, the son of the Earl of Crawford and Lindsay. The letter of Rothes is in the following terms :—

Edinburgh, the 13th [1663].

MAY IT PLEAS YOUR MAJESTIE,—Though your Majestie's fauore to me in ordereinge my name to be put in the giffit of uard of mariage of the nou Countes of Buccleughe, be fare aboue what I euere was so hapie as to deserue, yet I durst not haue aduentured on this high presumption off giuinge your Majestie this interruption of my inconsiderable acknowledgments iff I hade not beine ordered by your Majestie's positieue commands to giue assurances that I shall not medill as to the disposell of my neice without your Majestie's commands, which I shall in all

<sup>1</sup> Original Contract in Buccleuch Charter-room.

humilitie humbly beege your Majestie to believe me uncapabill of disobeyinge; nather can any ingamente stand in the uay of so absolute a deutie. Bot the only tye of that natuer I was under was to my father Craford for the usseing of my endeauers for his sonne, which I was ingaged to doe, not only since the death, bot emediatly affter the mariage of the nou dead Ladie. Bot I haueing nou desired to be released from my ingagements to him, he hes most willingly condeshendite, uhateuer his disapointments may be, so that your Majestie's comands shall be no shonner made knoun to me in this or anie thing els, then in all humilitie obeyed by

Your Majestie's

Most humble, fathfull, and obedieant Seruantt,

ROTHES.

For the Kings most Excelent Majestie.<sup>1</sup>

On completing her twelfth year, the Countess Anna, on the 11th of February 1663, nominated by commission the following curators :—The Earls of Rothes, Eglintoun, Wintoun, Wemyss, and Leven; the Lords Montgomerie and Melville, Sir William Scott of Harden, Sir Gilbert Elliot of Stobs, Thomas Scott of Whitslaid, Robert Scott of Harwood, Mr. Laurence Scott of Bawilaw, and Mr. Ross, Governor to the Duke of Monmouth; and for her curators-in-law, Sir John Nisbett and others. These curators were nominated by the Countess at the request of her mother, Lady Wemyss, as being acceptable to her brother, the Earl of Rothes, and the Earl of Lauderdale. In obedience also to her mother, the Countess Anna nominated such lawyers for the management of her affairs as were agreeable to her mother.<sup>2</sup>

The Duke of Monmouth nominated for his curators the Earls of Rothes, Lauderdale, and Tweeddale, the Lords Cochrane and Bellenden, Scott of Gorrinberrie, Thirlestane, and Mangerton; and the English curators were Lord Fitzharden and Mr. O'Neil, of whom five were to be a quorum, and Lord Rothes or Lord Cochrane to be *sine quo non*.<sup>3</sup>

About the beginning of April 1663, the celebration of the marriage of the

<sup>1</sup> Original Letter in Buccleuch Charter-room.

<sup>2</sup> Information by Sir Gideon Scott.

<sup>3</sup> *Ibid.*



Countess Anna with the Duke of Monmouth was fixed to take place on the 19th of that month ; and the contracts of marriage and of the ward having been subscribed by the parties themselves, and by the Earls of Wemyss and Leven at London (but not by the Earl of Rothes, although he was present), they were sent immediately to Scotland, to be subscribed by the rest of the curators there, who had been previously advertised to meet and be ready to append their names to the documents. The Earls of Eglintoun and Wintoun, Lord Montgomerie, Stobs, Harwood, and Bavailaw having met in the Countess's chamber in Edinburgh, the two contracts were produced by Neil Montgomerie, who had brought them from London, and who informed the curators that he had peremptory orders to return with the contracts subscribed by them before the 19th of April, when the marriage was to be celebrated. On the day following that meeting, all the curators named, with the exception of Sir William Scott of Harden and Thomas Scott of Whitslaid, were present, and along with them were Sir John Gilmour, President of the Court of Session, by whose advice the marriage-contract had been framed, Sir John Nisbet, afterwards Lord Advocate, and Sir John Fletcher, then Lord Advocate. The curators subscribed both the contract of marriage and the contract between the Countess Anna and her uncle, the Earl of Rothes, for her ward and marriage.

The contracts having been subscribed at Edinburgh, Sir John Gilmour moved that they should be sent to Sir William Scott of Harden and Thomas Scott of Whitslaid, in order to their being subscribed by these curators also, since, although advertised, they had not come to the meeting. But to this it was answered, that as they would not subscribe the contracts, it would only take up time needlessly to send these documents to them. Accordingly Neil Montgomerie was despatched to London with the contracts, and arrived the night before the marriage. The contracts were committed to the custody of the Earl of Lauderdale.<sup>1</sup>

Previous to the celebration of the marriage, the King, on 14th February 1663, created his son—who had been previously knighted under the name of

<sup>1</sup> Information by Sir Gideon Scott.

Sir James Scott—Baron Scott of Tindall, Earl of Doncaster, and Duke of Monmouth. The patent narrates that the King, taking into serious consideration that Sir James Scott, knight, was a young man of the highest promise, whose uncommon abilities resulted not from his years but from the growth of virtuous principles, and with whose very early maturity of understanding and suavity of manners, his Majesty was well acquainted; and having, moreover, an anxious concern, on account of the singular affection wherewith he cherished him, that nothing should be wanting to him that might act as a spur and incitement to him in his zealous prosecution of a course of virtue, so that the career on which he had so hopefully and auspiciously entered might, by the blessing of God, at length be brought to the wished-for termination, and that he might fulfil the expectations which his Majesty had formed respecting him, invested him with these honours. The destination of the dignities was to heirs-male of the body of the Duke, and the investiture was to be performed by girding him with a sword, and putting upon his head the cap of honour and circlet of gold, and the delivery of a wand of gold.<sup>1</sup> A tradition referred to by Crawford, in his *Life of Monmouth*, is that he was first created Duke of Orkney. But that is a mistake. According to the warrant under the hand of King Charles the Second to the Attorney-General to prepare the bill for the patent, the barony named is Fotheringay, which was changed in the patent to Tindall.<sup>2</sup> On 28th March following his creation, the Duke of Monmouth was elected a Knight of the Order of the Garter.

The marriage of the Countess Anna with James, Duke of Monmouth, was celebrated on 20th April 1663. "The marriage feast stood at London," says Lamont, "in the Earl of Wemys howse, being ther for the tyme, wher his Majestie and the Qwene were present with diuers of the Cowrt."<sup>3</sup> The union of Monmouth with the "charming Annabel" is noticed by Dryden in

<sup>1</sup> Patent Roll, 15, Charles II., Part I.

<sup>2</sup> Original Warrant, dated at Whitehall, 10th November 1662.—State Papers, Domestic, Charles Second, vol. lxiii. Nos. 1-15.

<sup>3</sup> Lamont's Diary, p. 161.

his "Absalom and Achitophel," in the passage containing a description of the Duke's person :—

"Of all the numerous progeny was none  
 So beautiful, so brave, as Absalom.  
 . . . . .  
 Early in foreign fields he won renown  
 With Kings and States allied to Israel's crown :  
 In peace the thoughts of war he could remove,  
 And seem'd as he were only born for love ;  
 Whate'er he did, was done with so much ease,  
 In him alone 'twas natural to please :  
 His motions all accompanied with grace ;  
 And paradise was open'd in his face.  
 With secret joy indulgent David view'd  
 His youthful image in his son renew'd :  
 To all his wishes nothing he denied,  
 And made the charming Annabel his bride."

Of the Duchess it is said by a contemporary, whom we have already quoted, "Her person was full of charms, and her mind possessed all those perfections in which the handsome Monmouth was so deficient."<sup>1</sup>

By patent dated 20th April 1663, being the day of his marriage, Monmouth was created Duke of Buccleuch. The patent narrates that whereas there appeared the greatest hope of the noble and high-spirited character and capacity of James, Duke of Monmouth, and knowing the benefit he might confer on the business and affairs of Scotland, wherein his private interest was not a little concerned, and also to amplify and augment with a further accession of honour that family now connected with him by a tie of affinity, the King constituted and created him Duke of Buccleuch, Earl of Dalkeith, and Lord Scott of Whitchester and Eskdail. The limitation was to heirs-male begotten between him and Anna, Countess of Buccleuch ; whom failing, the

<sup>1</sup> Memoirs of Count Grammont, vol. iii. p. 165.

heirs whomsoever of her body who should succeed to the estate and earldom of Buccleuch.<sup>1</sup>

The patent was passed under the Great Seal on the 8th July 1663, and was produced before the Scottish Parliament, at Edinburgh, on the 10th of the same month, and "being read in open Parliament, and the Estates with all duetie and humility acknowledging his Maiesties grace and favour to the said Duke, the Lord Commissioner delivered the said patent to the Earle of Eglintoun, who, in name of the Duke of Buccleuch, received the samen upon his knees."<sup>2</sup> It was also exhibited by his Majesty's Commissioner in presence of the Lords of the Privy Council of Scotland, on 25th August following, and having been publicly read by the Clerk of Council, was delivered by the Royal Commissioner to the Earl of Eglintoun, who received it in name of the Duke and Duchess of Buccleuch.

In the following year, 13th October 1664, a Crown Charter was expedite in favour of James and Anna, Duke and Duchess of Buccleuch and Monmouth, and the longest liver of them, in liferent, and their heirs-male, and the other heirs as in the contract of marriage, in fee, of the title of Earl and Countess of Buccleuch, and also of the family estates. This charter proceeded upon the procuratory of resignation contained in the contract of marriage, dated 15th and 20th April 1663.<sup>3</sup>

In the year 1666, while Monmouth held the titles of Duke of Buccleuch and Earl of Dalkeith, etc., personally, under the patent of 20th April 1663, and the Duchess merely enjoyed her title of Duchess by the courtesy as the wife of the Duke, they both resigned these titles, and the original titles of Earl and Countess of Buccleuch, which they also held under the charter of

<sup>1</sup> Original Patent in Buccleuch Charter-room, and duplicate of the patent also preserved in the Public Record Office, London, Domestic Miscellaneous, No. 234. The latter is beautifully illuminated, and has a portrait of King Charles the Second painted in the centre of the C of Carolus.

<sup>2</sup> Acts of the Parliaments of Scotland, vol. vii. p. 454.

<sup>3</sup> Original Charter, Precept of Sasine of same date, two Instruments of Resignation, dated 24th June and 5th August 1664, and Sasine, dated 6th May 1665, all in Buccleuch Charter-room.

1664, into the hands of the Crown for a new grant. The family estates were also resigned at the same time. This regrant was made by charter under the Great Seal, dated 16th January 1666, to James, Duke of Buccleuch and Monmouth, Earl of Dalkeith, Lord Scott of Whitehester and Eskdail, and Anna, Duchess of Buccleuch and Monmouth, his spouse, and the longer liver of them, in conjunct-fee and liferent, and to the heirs begotten between them; whom failing, to the heirs-male of her body. This charter also contains a *novodamus*.<sup>1</sup> The regrant now quoted vested the title of Duke of Buccleuch, Earl of Dalkeith, etc., and the old title of Earl of Buccleuch, in the Duke of Monmouth; and also the title of Duchess of Buccleuch, Countess of Dalkeith, etc., and the older title of Countess of Buccleuch, etc., in the Duchess, conjunctly and severally, and independently of each other in the event of death, forfeiture, etc. The rights of the Duchess to the ducal honours were thereby extended from the mere courtesy, as the wife of the Duke, to the vesting of them in her own person by express grant and creation, in the same way as she had inherited her own family title of Countess of Buccleuch previous to her marriage, and under the regrant of her own titles in 1664.

The forfeiture of Monmouth in 1685 did not affect the title of the Duchess of Buccleuch, but it was considered advisable to anticipate and set at rest any doubts which might arise as to the succession after her death. In order to secure the succession to her children, a resignation and regrant were made in 1687, as already stated.

The doubts suggested by Sir Gideon Scott as to the validity of some of the clauses in the marriage-contract were found to have been well grounded, and measures were soon taken to procure the ratification of the contract by the Scottish Parliament. On this subject the Duke of Monmouth wrote soon after the marriage to the Earl of Wemyss:—

MY LORD,—About ten dayes since, the King was pleas'd to write, either to my Lord Commissioner or to my Lord Lauderdale, to haue an Act to pass to confirme my contract. I hope it will not bee neglected, but least their much buisness

<sup>1</sup> Original Charter in Buccleuch Charter-room.



should put it sometime out of their thoughts, I begge the fauour of your Lordship to minde the Lord Commissioner, or whom else you please, for mee, that no time may bee lost in it. Mr. Ross will informe your Lordship of what else concernes mee. I shall therefore add no more, but that I am,

MY LORD,

Your Lordship's very humble Seruant,

MONMOUTH.

Whitehall, July 11th, 1663.

For the Right Honorable the Earle of Wemys.—These.<sup>1</sup>

The Earl of Rothes, on his arrival in Scotland as Commissioner to the Scottish Parliament, and previous to taking proceedings in Parliament for the ratification of the contract, brought the case before the Court of Session. It was argued before the Lords of Session in September 1663, and they unanimously agreed that, on account of the strictness of the entail, the marriage-contract could not secure the Buccleuch estate to the Duke of Monmouth, nor could their Lordships devise any way to secure it to him. But if the Countess Anna lived with him for a year and a day, he might, though there were no children of the marriage, legally liferent the whole estate. In answer to a question by the King's Commissioner, whether an Act of Parliament ratifying the contract would not secure the estate to the Duke, their Lordships answered that his Majesty might pass such an Act, but that such procedure would be contrary to the fundamental laws of the kingdom. Patrick Scott of Langshaw, in a letter to Sir William Scott of Harden, gives the following account of the proceedings of the Court of Session :—

Edinburgh, 10th September 1663.

MUCH HONORED,—Haveing formerlie written to your brother Sir Gideon, since his homecomeing, of the serious consultations haith bene these ten dayes bygaine, anent the Duke of Monmoth his contract of mariage, and this day haveing attained to the perfyte knowledge of thir debaitis (which wer only endit

<sup>1</sup> Original Letter at Wemyss Castle.

yesternight), I thought fitt with this occasion to give your Lordship ane breif accompt therof as it wes relatit to me by ane persone of qualitie ther present, who informes me that the first thing proposed by the Comissioner to the Lordis of Session and advocatis then conveyned, wes whither or not the Duke of Monmoth's contract did sufficientlie secure the Countes of Buckeleuch's estate to him, failzeing of aires of the mariage. To the which it wes answerit vnanimouslie, that haveing pervsed the tailzie and the contract of mariage, thay fand the Duke of Monmoth could nowayes be secured by his contract. 2nd, It wes desyred by his Grace that thay wold find some way for secureing the Duke in the said estate, to which it wes answerit (after frequent and serious consultationes), that thay could fiud no way to secure the Duke in the said estate; bot thay gave their opinion that the Countes liveing yeir and day with the Duke (altho no childrene procreat) he micht legallie lyfrent the whole estate by the courtesie of Scotland. This wes Sir John Gilmoore's judgement att that consultatione. 3rd, It wes offered to their consideratiou if ane Act of Parliament ratifieing the contract of mariage micht not secure that estate to the Duke. To the which it wes answerit that his Majestie micht mak such ane Act, and for better certifieing therof, micht obtene Tweddailis consent therto; bot the same wold altogether invert the fundamentall law of the kingdome, which wes hopit his Majestie wold be tender of, for thay fand the tailzie so strict that onles the fundamentall law wer takin away, Tweddailis soun or any vther the nixt air of tailzie micht justlie challenge the implement and fulfilling of the said tailzie. Which propositiones and resolutiones wes to be tendered be the Comissioner to his Majestie, to doe therin quhat he thought fitt; and for that effect one Henrie M<sup>c</sup>Kie is gone away expres this morneing. Thus haveing gevin your Worship ane punctuall accompt of that bussines (to the best of my memorie) as it wes relatit to me, I humblie desyre, efter reading heirof, ye will be pleased to dispatch the same to your brother Sir Gideon, of whois interes Sir George Lockhart is not forgetfull, and to quhom he haith his love and service presentit heirby.

This from, SIR,  
Your Worship's most ingaged Servand,  
PATRICK SCOT.

For the much honored Sir Williame Scott of Harden.—These.<sup>1</sup>

<sup>1</sup> Original Letter in Lord Polwarth's Charter-room.



Notwithstanding the unwillingness shown by the Court of Session that an Act of Parliament should be passed confirming the marriage-contract, the King was fully resolved to take that course. Endeavours were made by Sir Robert Moray to persuade his Majesty against such a measure. Mr. Thomas Ross, governor to the Duke of Monmouth, and one of the Countess of Buccleuch's curators, describes the feeling of the Court at London, and states that all were "astonished at the insolence of those that oppose the buisness."<sup>1</sup> Perceiving the disfavour into which his opposition would bring him with the King, Sir Robert Moray at last put into his Majesty's hands a paper of advice as to how the Act should be drawn ; but that paper was not used, the Lord Chancellor and Secretary Bennet having drawn up instructions for the Commissioner to cause the Act to pass.

Lady Wemyss, while present with her daughter in London, did not neglect to do what she could to obtain the passing of an Act of Parliament for rendering secure the estates of the Duke of Buccleuch and Monmouth and the Duchess. Thomas Ross, in the letter to the Earl of Wemyss from Oxford, just now quoted, writes—"On Wednesday next the King resolves for London, where I hope his Majesty will settle my Lady Duchess's family before my Lady Wemyss leaves her. We shall otherwise be in a loose condition."

Mr. Ross, in a letter to the Countess of Wemyss, dated Oxford, 29th September 1663, writes on the same subject. Referring to the instructions sent to the Lord Commissioner, he says, "We here judge the instructions to be very firm and binding;" and he expresses a hope that after their perusal they would be judged sufficient to secure all.

The decision of the Lords of Session, and their opposition to the passing of an Act of Ratification, were very displeasing to the King. Mr. Ross adds—"I believe when your Ladyship next sees his Majesty, you will see how sensible he is of the cheat put upon him by Gilmore ; and certainly the

<sup>1</sup> Letter of Thomas Ross to the Earl of Wemyss, Oxford, September (1663), at Wemyss Castle.

world will think it strange if he that hath put so great an abuse upon his King, should continue President of his Judicature. We have told all stories we can find of him ; and if your Ladyship can supply us with any new matter, I will be most diligent to work upon it." Mr. Ross hoped to have the honour to see her Ladyship in London.<sup>1</sup>

At last, on 5th October 1663, an Act in ratification of the contract of marriage betwixt the Duke and Duchess of Buccleuch was passed by the estates of Parliament, setting aside the provision of the bond of tailzie, and altering the destination of the dignities and estates of Buccleuch, so that the heirs-male of the Duke of Monmouth might succeed on the failure of heirs of the Duchess Anna. The Act prohibits the Lords of Council and Session from granting or sustaining any process at the instance of any persons attempting to enforce the provisions of the bond of entail of 1650.<sup>2</sup>

Upon the passing of this Act of ratification, Sir George Lockhart wrote to Sir Gideon Scott of Highchester the following letter :—

Edinburgh, 6 October 1663.

MUCH HONORED,—I dowbt not bot yow are verie weill acquaintit with the wayes that wer at last resolved vpon for the securitie of the Duke of Monmoth. That ratificioun which wes formerlie offered, and quhervpone the Lords of Session did give their judgement, is now past be Parliament in much more ample and extendit termes, with ane expres derogatioun to any former band of tailzie. Sir, in my apprehension, the ratificioun does not prejudice any pretence of interes the Erle of Tarras hes to that estate; bot how farre the greatnes and interes of the Duke may counterpoyse it, I must be in suspense till I speak with yourself. Sir, as tutching that bussines, how farre it may import as to some that have bene silent to it, I confes with me is a misterie of State, which, in its owin tyme, may be visible and evident. Sir, I am weill satisfied to vndirstand of your health and happines, and am desyreous to have ane opportunitie of waitinge vpon yow, to vndirstand from your own mouth that of your concerne. For my own part I have so great ane resentment of these favours yow have bene pleased to putt vpon me,

<sup>1</sup> Original Letter at Wemyss Castle.

<sup>2</sup> The Acts of the Parliaments of Scotland, vol. vii. p. 494.

that no interest quatsomever shall mak me remitt these services which I ow, and are adebttit to your self and familie, and vpone this assurance that I have gevin yow, I rest

Your most oblidged and humble servant,

GEORG LOCKHART.

For the Richt honorable, Sir Gideon Scott of Haychesters.—These.<sup>1</sup>

If Lady Wemyss expected that after the marriage the Duchess would be placed in her custody until her majority, she was soon undeceived. On informing the King of her intention to return to Scotland, she discovered that his Majesty had resolved that the Duke and Duchess of Monmouth should remain at Court. The presence of the Countess of Wemyss in London afforded great pleasure to her daughter, who was desirous to retain her there as long as possible. Some weeks after her marriage the Duchess writes to her stepfather, the Earl of Wemyss,—“I have obeyed your Lordship’s comands in keeping my Lady merie;”<sup>2</sup> and a few months afterwards she writes to him, expressing her regret at the intended departure of her mother for Scotland :—

September 12 [1663].

MY LORD,—I have resaved your Lordship’s kend letr. If I could be with you at ane wish, I should be so often with your Lordship that you should not nid to wrat to me, nor I to yow. Remembr my love to my brother and my suit sistr. I should wish your Lordship had bin hir, for I am ashourd that you had not given my Lady leve to part woth me so soun ass shi dos entend to do, which your Lordship may know will be the gratest gref to me of anie theng in the world which your presence wold a prevented, which wold a bin the gretest joy that could a com to hir who is, my Lord, your Lordship’s most obedient dawghter,

ANNA BUCCLEUCH AND MONMOUTH.

My brother Elho presents his humble deuti to your Lordship.

For the Right Honrable the Earll of Wemyss in Fife, Scotland.<sup>3</sup>

<sup>1</sup> Original Letter in Lord Polwarth’s Charter-room.

<sup>2</sup> Original Letter, dated 4th June 1663, at Wemyss Castle.

<sup>3</sup> Original Letter at Wemyss Castle.



For several weeks after the date of the preceding letter, the Duchess enjoyed the society of her mother, who continued in London longer than she had at first intended. The presence of her brother, Lord Elcho, to whom she refers in the postscript of the letter, afforded her additional gratification. Ten days after, she again writes to the Earl of Wemyss:—

Strand, September 22 [1663].

MY LORD,—I could not bot let you know of ane verie fine galant I have gotn sene the Duke want with the King, to carie me to the play. It is my brother Elho. Hi dos love them verie well, and verie oft wi do wish your Lordship with ous. Remember my serves to my sistr Lady Margrat, and ever estim me, my Lord, your Lordship's most obedent daughter,

ANNA BUCCLEUCH.

I do wish your Lordship war hir, that you might kep my Lady with me all thes wenter, for shi dos intend to go much to soun.

For the Earll of Wemyss.<sup>1</sup>

The correspondence of the Duchess with the Earl of Wemyss extends over a period of sixteen years, and she invariably writes to him in terms of much respect and warm affection. He uniformly treated her as if she had been his own daughter, and she acted towards him as if he had been her own father. Her letters to him are generally dated from Whitehall. She desires often to put his Lordship in mind of her, for none could think of anybody more than she did of him; and while she lived she should ever be his Lordship's most affectionate daughter and humble servant.<sup>2</sup>

“I am glad to hir that my litle brother is so fin a man. I hope to see him a brave man as anie in the world.”<sup>3</sup>

“I hop in God that you and I shall be as moerie as ever wi wass.”<sup>4</sup>

“I am ashemed that my Lady and your Lordship should thank me for so pour a present as that I sent you wass.”<sup>5</sup>

<sup>1</sup> Original Letter at Wemyss Castle.

<sup>4</sup> Original Letter, dated 11th September 1665, at Wemyss Castle.

<sup>2</sup> Original Letter, dated 29th March 1665, at Wemyss Castle.

<sup>5</sup> Original Letter, dated 19th July 1666,

<sup>3</sup> Original Letter, dated 10th May 1665, *ibid.*

*ibid.*

“ My wankle tels me that my brother is gron the boniest litle man that hi ever did se, and I am extremly glad to hear it. I hop in God that hi shall be a confort to your Lordship and my Lady, when you are both a hunder yirs olod.”<sup>1</sup>

The spelling in these letters shows how much the education of the Duchess had been interrupted by her early marriage, and the want of subsequent opportunity in the gay Court of King Charles the Second to complete her education. The defect of spelling continued through life, but the substance of the letters often displays considerable ability and aptitude for business.

In a letter to the Earl, accompanied with a small token of her affection, apparently a gold ring or a locket with a flint stone, the Duchess alludes to her mother's presence with her :—

Strand, 25 August 1663.

MY LORD,—I wold wret muche oftener to you, bot that my Lady's leter serves ous both. I hope your Lordship will never dout of my kendnes to your Lordship. I shall ever be sencable of your respect and love to me. Resave thes tokene, and wer it for me. It is worth litle, bot it is rar ; it is ane flint ston. The Kinge wears the folow of it, and I hope ye will wear it in remembrece of your Lordship's most affectionet doghter and servant,

ANNA BUCCLEUCH AND MONMOUTH.

My serves to my sister, Lady Margrat.

For the Right Honorablle the Earll of Wemyss.<sup>2</sup>

At a later period, when expecting a visit from the Earl and Countess of Wemyss, she wrote :—

Audleyend, 7 October [c. 1676].

MY LORD,—Though I was afrayed when I wret to my Lady that your Lordship had forgot me, yet since you did writ to me, I am confortd again. I am mighty glad to find by your lettr that I shall se your Lordship and my mother so sune, for I am shur that never anie body longd so much for anie thing as I do to

<sup>1</sup> Original Letter, dated 21st November 1666, at Wemyss Castle.

<sup>2</sup> Original Letter at Wemyss Castle.

se you both ; and I hop to se both my brother and sistr, and then I am shur that ther will not be in Ingland so hapie a woman ass,

MY LORD,

Your Lordship's most affectionat and obedint doughtr,

ANNA BUCCLEUCH.

For the Earle of Wemyss.<sup>1</sup>

The last letter which the Duchess wrote to the Earl of Wemyss was to thank him for keeping the Buccleuch Charter-chests at the Wemyss. It is dated at

Richmond, May 29, 1679.

MY LORD,—The reasone I give you this trubbl now is to give you my most humble thanks for your great kindnes in letting my charter chist be keptt at the Wemyss. It would not be so saiff in anie other place, and I assure your Lordship I do verie often wish my selff ther, that I might be so hapie as to see my best frinds in that place, wher I have bine so well and so merey. I shall not at this time say anie mor, but to assure you that I am, my Lord,

Your affectionat humbl sarvant,

A. BUCCLEUCH.

For the Earell of Wemyss.<sup>2</sup>

From the letters of the Duchess to Lord Wemyss in 1663, and subsequent years, which have been quoted, it will be noticed how highly she always writes of her half brother, David, Lord Elcho. He was the "very fine gallant" who took her Grace to the play in the absence of Monmouth with the King, and it was he who had grown the "boniest little man." Lord Elcho died on the 28th of September 1671, in the seventeenth year of his age. Being the only son of his father, his death necessitated a new arrangement for the succession to the honours and estates of Wemyss. Lord Wemyss resigned his titles for a regrant to his second daughter, Lady Margaret Wemyss, who was the only daughter of his third marriage with Lady Margaret Leslie, thereby excluding his elder daughter by his first marriage, Lady Jean

<sup>1</sup> Original Letter at Wemyss Castle.

<sup>2</sup> *Ibid.*

Wemyss, who married, successively, Archibald, Earl of Angus, and George, Earl of Sutherland. This new settlement, which was probably made through the importunity of Lady Margaret Leslie, deeply offended Lady Jean Wemyss, the elder daughter. She regarded her father as having done her a great injustice, and of this she complained in a letter to the Duchess of Buccleuch.

The Duchess, in her answer to the complaint of the Countess of Sutherland, is very careful not to censure the Earl of Wemyss for what he had done in regard to the succession to his honours; she assumes rather the tone of a defender of her step-father, and reminds the Countess of the duties incumbent upon children to their parents. The letter is as follows:—

[Whitehall, 24th June 1672.]

MADAM,—I confese your lettr was verie much unexspekted by me, for I can never belive my Lord Wemyss will be gultie of anie aektion that will give vast caws of trubll to anie persou. I know him to be so good and worthie. And since I find that what has bin laityly don by him brings you so much afficktion, I think your Ladyship ought to comfort your self as well as you can, and without dout nothing can be a betr argiment for your consulation then to consider that what may be don in iustice can be no reasouable ground of sorow. Your Ladyship semes to tak notice of a coldnes in my behaiour to you. I will never be guilty of disrespekt to anie of your quaility, nor will I ever forget the obligation I have to my Lord Wemyss, whom I shall ever respekt as my oun father, and I sopus your Ladyship is not ignorant of the great dutie due to parants. As you put your trust in God Almighty's mercys, I dout not but you will indevor to deserve them by obeaying his commands and respekting my Lord, your father, which will oblidge me to be

[A. BUCCLEUCHE.<sup>1</sup>]

When the Duchess of Buccleuch was approaching majority, Sir Gideon Scott of Highchester, in March 1671, wrote a long letter of advice, composed with his usual shrewdness and ability. He remarks that although he had been discarded by the King, and his former advice contemned, yet he felt constrained, in order to fulfil the trust imposed on him by the

<sup>1</sup> Copy Letter at Wemyss Castle.

late Earl of Buccleuch, and in view of the important interests at stake, to direct the attention of the Duchess at that juncture to the position in which her affairs then stood. He then refers to the bond of tailzie made by Francis, Earl of Buccleuch, in the year 1650, reminding her that it contained sundry conditions, restrictions, and limitations, by the breach of which the heir of tailzie succeeding to the estate and honours would forfeit both in favour of the next heir. He would have her inquire whether the contract of marriage involved the violation of any of these provisions, and if so, whether the Act of Parliament ratifying the contract was a sufficient protection against any proceedings that might be taken by the next heir. If it were not so, then legal advice should be at once taken in order to discover some other remedy. Otherwise the children of the Earl of Tweeddale might pursue for breach of tailzie, and claim the estates and dignity. He reminded her that any act done to her prejudice must be remedied before she was twenty-five years of age, else it could not be revoked. He pointed out that the Act of Parliament might be repealed, in case the next heirs of tailzie should ingratiate themselves at Court when her Grace or her successors might not have the same influence which she then possessed. Another danger against which he warns her was that of interested parties attempting, by false advice, to produce the impression on the Duke and Duchess that all was safe, and that there was no necessity for troubling themselves in the matter. Crafty and selfish advisers might thus lull them into a false security, only awaiting favourable circumstances to turn on them when it was too late to provide a remedy.

His inveterate suspicion of Lord Tweeddale shows itself when he warns the Duchess not to depend on the friendship or fidelity of the Earl, who, although at that time above suspicion on account of the favour and advancement shown him by the King, would only await a favourable opportunity to promote the interest of his children, when he could do so without displeasing his Majesty. The late Earl of Buccleuch, he points out, who was "a truelie noble and wyse gentleman, and who understood both men and



affaires verie weill," had passed by the Earl of Tweeddale when nominating tutors for his children, and in the event of the Earl's own children succeeding to the Buccleuch estates, he was not even in that case appointed tutor.

Sir Gideon further urges the expediency of settling beyond dispute the legality of their proceedings, as in case of a doubtful action before the Court, the difficulty of finding means to defend a long and tedious action would be serious. No accession of any settled estate had been received by the Duke, and his revenue consisted of customs or excise duties, which were but temporary and would expire with the King. The revenue of the Buccleuch estates might also be cut off; for as soon as the heir of tailzie made his claim he would also arrest the rents in the hands of the Chamberlains. Sir Gideon does not omit to state that some of these had acquired their places through the favour of the Earl of Tweeddale, "whereby," he adds, "they have enriched themselves out of your Grace's estate, as the cry of your helpless tenants bespeaks aloud."<sup>1</sup>

Highchester was not the only person who doubted the legality of the marriage-contract, and the insufficiency of the Act of Parliament passed in its ratification. The Earl of Tarras reports to his father a conversation he had on the subject with the Duchess in 1671. "The Duchesse and I," he writes, "speaking of Lauderdaill, sais she, with a disdainfull smile, 'somebody asked my Lord Lauderdaill who would succeed to my estate if I had noe children, and he answered, who but his grandchilde, my Lord Yester's sonne.'"<sup>2</sup>

The King had also become doubtful of the efficacy of the Act of Parliament which he had caused to be passed contrary to the advice of the Lords of Session. He wrote to his Commissioner, the Earl of Rothes, on 22d January 1671, that it had been represented to him by his son, James, Duke of Monmouth, that certain doubts had arisen touching the validity of his title to the Buccleuch estate, notwithstanding the Act of Parliament, because it was contrary to the provisions of the bond of tailzie of Earl Francis. He

<sup>1</sup> Copy Letter in Lord Polwarth's Charter-room.

<sup>2</sup> Original Letter, *ibid.*

had also been informed that counsel were unwilling to give an opinion freely. In order to set these doubts at rest, the Commissioner was enjoined to call together such advocates as he thought fit, and desire them to give their opinion freely, without respect of persons, the King undertaking that they should suffer no prejudice for delivering their opinion according to their conscience.<sup>1</sup>

The marriage-contract, as will be hereafter related, was reduced by a decret of the Court of Session, in so far as it was contrary to the entail of Francis, Earl of Buccleuch.

The Duchess was treated with much consideration and kindness by her father-in-law, King Charles the Second, which was gratifying both to herself and to her mother. To express her sentiments of gratitude for the King's gracious treatment of her daughter, the Countess of Wemyss wrote to his Majesty the following letter:—

18th December 1667.

MAY IT PLEAS YOUR MAJESTIE.—Tho' I haue ury long kept silincee, yet now it is not in my pouer any longer to forbear to tell your Majestie how ioyfull it is to me that your Majestie doeth so kyndly notis my daughter. Her hapenes therin is on this earth my gretest comfort; and since I am not lyk to haue it in my power to serv your Majestie any other way, my prayers shall be for your Maiesties hapenes, as is the oblidged dewtie of, most sacrad Souerain, your Majesties deuoted humble seruant,

MARGARIT WEMYSS.

For his sacrad Majestie.<sup>2</sup>

The Duchess continued to reside in England during the remainder of her long life, paying only occasional visits to Scotland, though she ever after retained what she called her "Scotch heart,"—her affection towards her native country.

In the gay Court of King Charles the Second, the Duchess and her husband, as they grew up, became objects of special attraction. But young

<sup>1</sup> Original Letter in Buccleuch Charter-room.

<sup>2</sup> Original draft of the letter at Wemyss Castle.

though the Duchess was, she rose superior to the temptations of the Court, although partaking freely in its more harmless gaiety.

For the amusement of the Court, plays were sometimes acted by its younger members. On these occasions the Duchess of Monmouth excelled most of those who took part in such representations. On the evening of 13th January 1667-8 was acted at the Court, by the ladies and the Duke of Monmouth and others, "The Indian Emperour." By those who were present it was reported that in this performance none of the ladies, except "the Duchess of Monmouth and Mrs. Cornwallis, did anything but like fools and stocks, but that these two did do most extraordinary well."<sup>1</sup>

Pepys, in his Diary, gives a particular description of a ball at Court on 15th November 1666, the Queen's birthday, at which the Duchess of Monmouth was present. "The King appeared in his rich vest, of some rich silk and silver trimming, as the Duke of York and all the dancers were, some of cloth of silver, and others of other sorts, exceeding rich. Among the men present were the King, the Duke of York, Prince Rupert, Duke of Monmouth, Duke of Buckingham. Among the ladies present were the Queen, Duchess of York, Mrs. Stewart, Duchess of Monmouth, Lady Essex, all most excellently dressed in rich petticoats, and gowns, and diamonds, and pearls. It broke up about twelve at night."

On the evening of the 8th of May 1668, the Duchess, while dancing at her lodgings, met with an accident, which, it was supposed, had sprained her thigh, or had even dislocated or fractured the hip-joint. This we learn from Pepys. He has, besides, the following entries regarding this accident:—"May 15, 1668.—The Duchess of Monmouth's hip is, I hear, now set again, after much pain." "July 15th.—My Lady Duchess of Monmouth is still lame, and likely always to be so, which is a sad chance for a young lady to get only by trying of tricks in dancing." "September 20th, 1668.—The Duchess of Monmouth is at this time in great trouble of the shortness of her

<sup>1</sup> Pepys's Diary, vol. iv. pp. 12-13.

lame leg, which is likely to grow shorter and shorter that she will never recover it."<sup>1</sup> To this accident no allusion is made in any of the letters of the Duchess which have been preserved. Pepys exaggerates the result of the accident. James Sharpe, Archbishop of St. Andrews, writing to the Earl of Wemyss, on 15th September 1668, a few days previous to the last entry in Pepys's Diary, remarks that he "had the honor to wait upon the Dutchess since her return from the Bathes, and was glade to see her Grace in so good heart, though she has not fully recovered her strength."<sup>2</sup>

Evelyn has left on record the impression made on him by the wit and shrewdness of the Duchess:—"I dined," he says, "at my Lord Arlington's with the Duke and Duchess of Monmouth. She is one of the wisest and craftiest of her sex, and has much wit. Here was also the learned Isaac Vossius."<sup>3</sup>

From the position which the Duchess occupied in the Court, applications were often made to her by persons desirous to obtain for themselves or their friends posts of honour and emolument. We find the Duchess of Lauderdale soliciting the Duchess of Monmouth to use her influence with the Duke to obtain for her son a command in the army.<sup>4</sup> The Duchess replied in the following friendly letter:—

Whithall, February 7, [*circa* 1675].

I should be verie sorey if I thought your Grace in earnest when you say you belive your letters can be trublsom to me. I only wish you hade leasur to wrett as manie as I should be glade to read. I tould the Duke of Monmouth what your Grace wrett to me, and he says that he shall never fail to do anie service in his pour to anie that belongs to you, and he hops it will be easy to find a command better and fitter for Mr. Tallmish in a short time. I am not doutfull of the Duke of Lauderdale's frindship to me, which I have often found, and I hope

<sup>1</sup> Pepys's Diary.

<sup>2</sup> Original Letter at Wemyss Castle.

<sup>3</sup> Evelyn's Diary, vol. ii. p. 379.

<sup>4</sup> She was the second wife of the Duke of

Lauderdale. Her first husband was Sir Lionel Talmash of Heylingham. The Duke died at Tunbridge, 24th August 1682, and the Duchess in June 1698.

shall still. I can only say that non can be mor sensible then I am, and shall ever be most faithfully his humb[le] sarvant, and all I can be say'd to your Grace.

A. B. M.<sup>1</sup>

On 1st August 1676, the Duchess of Monmouth stood as godmother for a daughter of Dr. Leake, chaplain to the Duke of York, who was christened in the afternoon, after prayers, at St. James's Chapel. The other godmother was the Princess Mary, daughter of the Duke of York, and afterwards Queen Mary; the godfather was the Earl of Bath.<sup>2</sup>

In the autumn of the same, or of the following year, the Duchess was residing at Audleyend, then considered a magnificent house, and a delightful summer residence. It is thus described by Pepys, who was especially attracted by its wine-cellars and garden :—

“7th October 1667.—I and my wife and Willet [Mrs. Pepys's maid] set out in a coach I have hired with four horses, and W. Hewer and Murford rode by us on horseback, and before night come to Bishop-Stafford [Stortford]. Took coach to Audlyend, and did go all over the house and garden; and mighty merry we were. The house, indeed, do appear very fine, but not so fine as it hath heretofore [appeared] to me, particularly the ceilings are not so good as I always took them to be, being nothing so well wrought as my Lord Chancellor's are; and though the figure of the house without be very extraordinary good, yet the staircase is exceeding poor; and a great many pictures, and not one good one in the house but one of Harry the Eighth, done by Holben; and not one good suit of hangings in all the house, but all most ancient things, such as I would not give the hanging up of in my house; and the other furniture, beds and other things accordingly. Only the gallery is good, and above all things the cellars, where we went down and drank of much good liquor. And, indeed, the cellars are fine; and here my wife and

<sup>1</sup> Original Letter in custody of Richard Almack, Esq., Melford, Suffolk, and forming part of the Lauderdale Papers acquired by him. The address is wanting, but it appears

from internal evidence that it was written to the Duchess of Lauderdale.

<sup>2</sup> Evelyn's Diary, vol. ii. p. 420.



I did sing to my great content. And then to the garden, and there eat many grapes, and took some with us; and so away thence exceeding well satisfied, though not to that degree that by my old esteem of the house I ought and did expect to have done, the situation of it not pleasing me."<sup>1</sup>

The Duchess of Monmouth accompanied the Duchess of York to Holland on a visit to Mary, Princess of Orange. When about to undertake this journey, she informed her mother, the Countess of Wemyss, of the intentions of herself and the party in the following letter:—

Whithall, September 28, [1678].

MADAM,—My Lord Melvill is so soone to leve this place, that I should not have wrettn this day by the post but to acquaint your Ladyship the Duchess has comanded me to waitt on her to Holland, to see the Princess of Orange. I kenew not of this jurnay till Thursday night, to laitt to wrett. Wee are to go next Munday or Tusday, and if the uind contineus fair, we shall be littll more then 24 hours on the jurnay, it being all by watter. We shall stay ther whilst the King is at Neumarkett. That will be about a fortnight. Ther gos only the Duchess of Buckingham and the Duchess of Richmond, and I, besids Lady Ann, and my Lady Peetrbrowgh, and my Lady Heryett Hid, my Lord Ossarcy, and my Lord Rooscomon. Wee are to ley in a hous nigh the Princess, but verie preevitly, which they are used to in that countray. So we are not to be taken notice of as we go about. As soon as ever we arive, I shall give your Ladyship ane account. I intind to get my Lady Fox to make now and then a visett to my children, to see how they are. I belive she has mor skill then myself, and I am sure she will take care to send to the docktr, which I hope in God they will not need. But if they should be sick, she will send in time, which I dare not trust only sarvants with.—I am, Madam, your Ladyship's obedent dutifull child,

A. BUCCLEUCH.<sup>2</sup>

The Duchess, as she intended, stayed only a short time in Holland. It would seem that on returning to England she accompanied the Prince and Princess of Orange on their visit to the Court at London. The following

<sup>1</sup> Pepys's Diary, vol. iii. p. 374.

dorsed "The Duchess to her mother, one

<sup>2</sup> Original Letter at Wemyss Castle, in- 28th September 1678."

letter, which the Duchess wrote to the Duchess of Lauderdale, has reference to this :—

Whithall, November 10, [1678].

Your Grace might have imploy'd manie to deliver your compliments to the Duke and the Princes that could have dun it better, but you shall never find anie shall sarve you uith a better will then my self, in what kind soever is in my pour, and great reason I have to do so. But I have said to much of my self, and I only wish I could writt evrie word her Highnes with her extroordinary suetnes return'd her thanks to your Grace. I hope it will not be long befor I have the hapines to sie you, tho' I am soray you do not mention in your lettr to me your journey, which I wish may be soone and well parform'd, for if ther be anie pour in good wishes, you shall never want them from me, who am most intirely yours.

Lady Ann hade the small pox cam out last night, but she is not verie sicke. The Princes and Prince of Orange are to go from hance Fraydy next. I hope your Grace will present my most humble sarvice to my Lord Duke, and pardon my trubling you with so long a letter.<sup>1</sup>

The Earls of Røthes and Wemyss, as sole executors and universal legatees of the personal estate of the Countess Mary, under her will of 2d February 1661, claimed the whole of the debts owing to her at the time of her decease. This claim was resisted by the curators of the Countess Anna. A process was raised in the Court of Session by the executors, but the matter in dispute was eventually referred to the decision of King Charles the Second. A decret-arbitral was issued by his Majesty on 10th July 1666, which decerned and ordained that the debts owing by the Earls of Eglinton, Southesk, and Tweeddale, and Sir Lawrence Scott, ought to belong to the Duke and Duchess of Buccleuch.<sup>2</sup>

The Countess of Wemyss had impressed the Duchess with some of her own dislike to the Earl of Tweeddale. He had become involved in pecuniary embarrassment, which had prevented the payment of the debt which he

<sup>1</sup> Original Letter in the custody of Richard Almack, Esq., Melford, Suffolk. The address is wanting, but the letter is in the collection of the Duke of Lauderdale, and was no doubt written to his Duchess.

<sup>2</sup> Decreet and other papers in Buccleuch Charter-room.

owed to the Duchess. An arrangement was made by him and the Earl of Rothes, with consent of the King, during the minority of the Duke and Duchess of Buccleuch, acting on which the Earl of Rothes, on 19th April 1667, requested Sir William Scott of Harden to deliver up to Tweeddale the contracts of wadset and all the bonds which the Countess Mary had paid for him by these contracts.<sup>1</sup> After attaining their majority, the Duke and Duchess, in a joint letter to their Commissioners on 17th November 1673, informed them that they were "resolved to prosecute the Earl of Tweeddale by course of law for the whole debt" which he owed, a part of which they had been persuaded, while in their minority, to remit to him, "upon very frivolous and untrue suggestions." They had resolved, on coming of age, to repudiate and revoke whatever had been done to their detriment during their minority.<sup>2</sup> Respecting the Earl of Tweeddale's debt, the Duchess, on 3d January [1691], writes—"As for my Lord Tuaddalls great merits to me to induce me to forgive him the intrest of a debt, which his delaying to pay has swell'd to a considrable summ, I must tell you I never heard of such a way as he has to ask forgivennes either for debts or injurys, for when he was last in England he printed the basest and falsest paper his over grown malice could invent." Referring to the offences he had done to her, her father, and sister, she states that she will not, on that account, do injustice to his children. "He needs not thank me for not indeavoring to exclud his grandchildren, for it is becaws th[e]y are my father's nephews and neecess, nor shall his offences mak me unatrall to my kindred, nor will I be perswaided to live in debt and misirably all my life to pleas him." But mingling leniency with firmness of purpose, she adds:—"However, upon his paying me perhaps I may forgive him some littll matter, but not a penny if he delays anie longer."<sup>3</sup>

<sup>1</sup> Original Warrant, etc., in Buccleuch Charter-room.

<sup>2</sup> Copy Letter in Lord Polwarth's Charter-room. The result of the action appears in a

bond subscribed by the Earl on 6th March 1679, for 93,600 merks.

<sup>3</sup> The Earls of Cromartie, vol. ii. pp. 260. 261.

The differences between them led, on one occasion, to an unpleasant altercation, to which the Duchess thus alludes in a letter written apparently to the Earl of Wemyss:—"My Lord Tuadell has not bine to see me since that day wee scoulded, and lookes verie grim one me when he meets me."

In the same letter she touches on various other matters, especially the London gossip of the day:—

Though I would be verie glade to have that busiues over with Nidsdall, yit I do assure you I nather expeckt nor desir you should putt yourself to anie inconvenience upon my account. I am glad you will take care of the muney, and I am also of your opiniou that no place is so fitt for my papers as the Wemyss, if it may be dun. Pray do not belive the foolish reports that are now about; for this place is just as you left it, foule of leys, as you may see by the report of the Duke of Monmouth's being poyson'd, and all that was said of a posioned letter, and he never resaved anie letter conserniug it, only ther was a report, which nobody could give anie reason for, as ther is manie mor. . . . I have bine to see the Duchess of Laudrdall, but have not hade anie ocation of sieing the Duke, but the Duke of Monmouth tels me that my Lord Tueedall torments the Duke of Laudrdall about our busines; but he is not licikly to parswad the Duke of Laudrdall to be mor his frind then ours. I belive I torment you with this long letter. Adieu.<sup>1</sup>

During the residence of the Duchess in England, she was greatly indebted for the management of her affairs in Scotland to George, fourth Lord Melville, afterwards Earl of Melville.<sup>2</sup> He was one of her friends and counsellors, in whom she placed great confidence, and to whom she frequently acknowledged her obligations for his advice and counsel. In a letter congratulating him on the birth of one of his children, she writes:—"In a little time I must be consulting with you, for, indeed, you are my chiff cunseler, and if it wer not for you, your three little frinds would be in ane ill condi-

<sup>1</sup> Original Letter at Wemyss Castle.

<sup>2</sup> George, Lord Melville, married the Lady Catherine Leslie, only daughter of Lady

Margaret Leslie and her first husband, Lord Balgonie. Lady Melville and the Duchess of Monmouth were thus sisters uterine.

tion. God helpe them."<sup>1</sup> Shortly after this she writes :—"I knowe that you are now busse for me, and I so litle dout it that I do not writt to you to put you in mind of it, but to give you thanks for the obligations you daley put on me."<sup>2</sup> The Duke of Monmouth also wrote to him about the same date :—

From Bruxsells, the 18th of August [1677].

I would a writt to you sooner, but that this is the first minutt I have had any time to my selfe. I hope I shall come to London time enofe befor you goe away, to thanke you for all the troubell and pains you haue taken in my bussines, in seven or 8 days mor. I shall sertenly know when I shall come bake, for our bussines hier must bee ouer, one way or another, by that time, therfor I hope you will not make soe much heast. Pray lett mee know if my wife begins to looke after her bussines at home, and if their bee any hopes of her being a good husiuc. I shall troubell you now with nothing ealls, for I am sur I haue noe nide to tell you that nobody in the world can bee mor your humbell seruant then I am,

MONMOUTH.

For my Lord Melvill, to be left at his Grace my Lord Generalls lodgings att the Cockpitt.<sup>3</sup>

Lord Melville took an active part in obtaining the reduction, by the Court of Session, of various deeds executed by the Duke and Duchess in their minority, and they expressed to him in a joint letter their gratitude for his friendly offices :—

Whitehall, 6 March 16 $\frac{72}{50}$ .

MY LORD,—We have alwayes been sensible of your constant care and prudence in ordering and disposing the conduct and procedure of our affairs, which wee take as a particular testimonie thereof that you have caused prosecute that action of reduction of our contract of marriage and other deeds done be us in our minoritie, and obtained sentence of the Lords of Session reducing the same ; but wee understand you have not yet ordered the extracting of that decret, which, if your Lordship, by the advice of our lawers, find necessar for our full securitie, wee

<sup>1</sup> Original Letter, dated *circa* 1676, at Melville House, Fife.

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*



desire it may be forthwith done, which, with all the other instances of your Lordship's kyndnesse, wee shall alwayes be readdy to resent, as my Lord, your most humble servants,

BUCCLEUCH AND MONMOUTH.

A. BUCCLEUCH AND MONMOUTH.

For my Lord Melvill.<sup>1</sup>

The action of reduction referred to by the Duke in his letter was raised on 25th February 1680 by Anne, Duchess of Buccleuch, and Sir George M'Kenzie, King's Advocate, and Mr. Robert Lermonth, her procurators, praying that the contract of marriage, executed in her minority, and the infeftments and other writs following thereon, also the ratification of the same by Act of Parliament, should be reduced and annulled, in so far as they were contrary to the entail executed by Francis, Earl of Buccleuch, in June 1650. The Lords of Session thereupon reduced and annulled the contract as prayed, and all infeftments and other writs following upon it were declared null and of no avail.<sup>2</sup>

In order that the charters following upon the contract of marriage should not be prejudiced, in so far as they were agrceable to the entail of 1650, the King issued a warrant to the Lords of the Treasury for their ratification. It is dated at Newmarket, 23d September 1681, and is in the following terms :—

CHARLES R.—Right trusty and welbeloved cousins and councellours, right trusty and welbeloved councellors, trusty and welbeloved councellors, and trusty and welbeloved, wee greet you well : Whereas the Lord Melwill, sole commissioner for the estate and affaires of our right trusty and welbeloved cousin, Anna, Dutchesse of Buccleuch, hath now for some time had his residence in London, having been detained there by reason of the said Dutchesse, her absence from this our kingdome, and the necessity of her busines ; and that wee are by him informed how that the said Dutchesse hath lately obtained a decreit of reduction before the Lords of Session, reduceing certaine deeds done by her in her minority to her lesione, wherby the charters granted by us upon those deeds might likewayes be

<sup>1</sup> Original Letter at Melville House.

<sup>2</sup> Extract Decreet in Buccleuch Charter-room. The persons called for their interest heirs as "of tailzie, lyne, and male," were

the Earl and Countess of Tweeddale, their children and grandchildren ; the sons and grandson of the deceased John Scott of Gorrinberric, and Walter Scott of Altoncrofts.

thought to be reduced, and fall in consequence to the Dutchesse her great prejudice, if remeid be not provided. Wee have thereupon thought fit to grant a declaration and ratification under our royall hand for obviating the said inconvenience, and to charge the said Lord Melwill with the bearing and presenting therof, to the effect it may be duely past by you, and recorded in your bookes for her full security. And therfor wee doe hereby require you to receive and exped our said ratification and declaration in the best forme, and to cause extracts therof (one or mor as shalbe demanded) to be given to the said Lord Melwill in behalf of the said Dutchesse. As likewise, that you will give him all assistance in whatsoever other affaires he may have to doe with you relateing to the said Dutchesse her estate ; seeing we are fully satisfied that he hath not only been very carefull of all her concerns (especially at this time of her absence), but that by reason of her absence he hath been necessarily kept abroad very much to his own prejudice. So wee bid you heartily farewell. Given at our Court at Newmarket, the 23th day of September 1681, and of our reigne the 33th year.

By his Majesties command,  
MORRAY.

To our right trusty and welbeloved cousins and councellours, our right trusty and welbeloved councellours, our trusty and welbeloved councellours, and our trusty and welbeloved the Lords Commissioners of our Treasury, and the remanent Lords and others of our Exchequer of our ancient kingdome of Scotland.<sup>1</sup>

The successors of Francis, second Earl of Buccleuch, are under deep obligation to him for his foresight in making the entail of June 1650. There is no doubt that it was through that entail that the Buccleuch estates were saved from the many dangers which threatened them in the seventeenth century.

During the absence of the Duchess in France, to which the King alludes in the warrant, she wrote to Lord Melville, expressing her concern at the resolution with which he had acquainted her, of giving up his charge of her affairs :—

<sup>1</sup> Original Letter among Treasury Warrants, H.M. General Register House, Edinburgh.

Paris, Jan<sup>r</sup> 3, [1681].

"Yours of the 13 Decem<sup>r</sup> I received, and am sorie, as yow will find by my letter of last post, that yow should haue any thoughts of leaving my busienes. If you doe, I doe not know what to doe. . . . I am now better than I was, I thank God. Indeed, you have no reason to think I am angrie with yow, for I never was, and I suppose never shall. If it please God I goe to England in good health, I will bear all my other misfortunes much the better; but I have been very ill of late. If I die, be kind to my childreen. If I live, I will thank yow for all the obligations I owe to yow."<sup>1</sup>

Yielding to further remonstrances from the Duchess, Lord Melville was prevailed upon to continue his oversight of her business, until he had to leave the country in 1683.

The commission to the Earl of Melville of 28th September 1678, conferred on him very extensive authority over the Buccleuch estates. It empowered him to "sett ther lands and teynds," sell the woods, trees, and coal, place and displace sheriffs, bailies, chamberlains, and all other servants in Scotland; also to raise and prosecute all new actions, enter vassals, make and subscribe with his hand, and seal with their seal, all charters, precepts, etc., to grant and dispone gifts of ward and marriage and non-entry, make and subscribe presentations to kirks to such qualified persons as he pleased, to control all accounts, and generally to act as they would have done themselves in person.<sup>2</sup>

Lord Melville also acted in concert with the Duke of Monmouth in an affair of an entirely different character. The Duke was appointed Captain-General of the forces, and was intrusted by the King with the command of the troops sent to quell the insurrection in Scotland in 1679. Desirous to avoid unnecessary bloodshed, he endeavoured to induce the

<sup>1</sup> Extract from Letter at Melville House. The Duchess seems to have resided in France for some time. Narcissus Luttrell in his Diary, under date of 4th August 1680, notes that "the Dutchesse of Monmouth went for France, and with her the Countesse of North-

umberland." Again, on 29th May 1682, he writes, "Her Grace the Dutchesse of Monmouth is returned from France, where she has been for some considerable time past."

<sup>2</sup> Original Commission at Melville House.

insurgents to lay down their arms and submit to the mercy of the Sovereign, promising to use his influence in procuring favourable terms. Lord Melville was chosen by him to negotiate, but the obstinacy and want of union among the Covenanters prevented these merciful proposals from being accepted. Becoming afterwards involved in the plots of 1683, Melville fell under the suspicion of the Government, and found it necessary to take refuge in Holland. Proceedings were taken against him in his absence for high treason, and one of the charges against him was that of intercommuning with the rebels at Bothwell Bridge. A declaration was then produced, written by the Duke of Monmouth, who took on himself the responsibility of having instructed Melville to offer terms to the insurgents. The declaration is as follows :—

“These are to certify, that in the time I had command of his Majesties forces in Scotland against the Rebels that were then in armes, I did direct and authorise the Lord Melvill to send propositions to the Rebels, and receive some from them, in order to laying down their armes and submitting to the King’s mercy. In witness whereof, I have sett my hand and seales, att London, this 10th day of June 1680. MONMOUTH.”<sup>1</sup>

The desire of Monmouth to avoid bloodshed on that occasion proceeded no doubt from the humanity of his disposition, but may also have been influenced by a wish to conciliate the party who had taken arms :—

“The hardy peasant, by oppression driven  
To battle, deemed his cause the cause of Heaven :  
Unskill’d in arms, with useless courage stood,  
While gentle Monmouth grieved to shed his blood.”<sup>2</sup>

On the return of Monmouth to England, the rivalry which had for some time existed between him and the Duke of York became still more pronounced. The King, giving way to the counsels of his brother, and perhaps

<sup>1</sup> Original Certificate at Melville House, printed in the *Leven and Melville Papers*, p. xv. Melville’s estates were forfeited, and he continued to reside abroad till the Revolu-

tion, when he returned, and was soon afterwards appointed Secretary of State for Scotland.

<sup>2</sup> Wilson’s “Clyde.”

fearing the increasing popularity of Monmouth, removed him from his office of Commander-in-Chief, and ordered him to leave the country for a time. Becoming impatient of his exile, and after having repeatedly, and without avail, solicited permission to return, he resolved to come to England without leave obtained from the King. This proceeding, and his subsequent conduct, still further increased the estrangement between him and his father, who resented his disobedience by depriving him of his several offices and appointments.

The Duchess of Buccleuch throughout these events acted with admirable prudence and sagacity. Her influence was continually used to counteract the advice of Monmouth's more precipitate counsellors, and to prevent him from taking part in the desperate schemes of Shaftesbury and others. Carte, in his life of Ormond, says that "the Duke of Monmouth had no judgment, and, consequently, no steadiness in his conduct. When he was forbid the Court, he retired to Moore-Park, where a day's conversation with his lady made him repent of his conduct, and willing to sign any paper of the same nature with that which he had signed before, and had got back in the manner related. But as he was too desultory to be depended on, and his confessions and retractations had rendered his testimony in an ordinary way to be of little weight, the King resolved to proceed with him in another manner, and to force him to declare the whole truth before a Court of Judicature."<sup>1</sup>

The friendship of the Duchess of Buccleuch and the Duke of York—which she used to promote a reconciliation between him and the King with Monmouth—is noticed by John Sheffield, Duke of Buckingham, who inclined to the belief that the object of the Duke of York was the conversion of the Duchess to the Roman Catholic faith. He also attributes to the Duchess a considerable share in advancing the position of Monmouth in the army, which was done chiefly through the assistance of the Duke of York. After describing some of the causes which led to the promotion of Monmouth, the Duke of Buckingham adds:—"There was yet one thing more, which, in exactness, I must not omit, that much contributed to this young man's advancement; I mean the

<sup>1</sup> Carte's Life of the Duke of Ormond, vol. ii. p. 533.



great friendship which the Duke of York had openly professed to his wife, a lady of wit and reputation, who had both the ambition of making her husband considerable, and the address of succeeding in it, by using her interest in so friendly an uncle, whose design, I believe, was only to convert her. Whether this familiarity of theirs was contrived, or only connived at, by the Duke of Monmouth himself, is hard to determine. But I remember that after these two princes had become declared enemies, the Duke of York one day told me, with some emotion, as conceiving it a new mark of his nephew's insolence, that he had forbidden his wife to receive any more visits from him; at which I could not forbear frankly replying that I, who was not used to excuse him, yet could not hold from doing it in that case, wishing his Highness might have no juster cause to complain of him. Upon which the Duke, surprised to find me excuse his and my own enemy, changed the discourse immediately."<sup>1</sup>

Burnet, relating a conversation which he had with the Duke of York, states that the Duke "commended the Duchess of Monmouth so highly as to say to me that the hopes of a Crown could not work on her to do an unjust thing."<sup>2</sup>

In Dryden and Lee's play of the "Duke of Guise,"—which is generally accepted as aimed at the political situation in England,—the character of Marmoutière is supposed to refer to the Duchess of Monmouth and her efforts to withdraw her husband from the schemes in which he was becoming so deeply involved. And there is some ground for this supposition. Marmoutière, for example, thus pleads with the rebellious Duke :—

"Hear me, sir,  
For if 'tis possible, my Lord, I'll move you;  
Look back, return, implore the royal mercy  
Ere 'tis too late, I beg you by these tears,  
These sighs, and by the ambitious love you bear me,

<sup>1</sup> Memoirs of John Sheffield, Duke of Buckingham, p. 12.

<sup>2</sup> Burnet's History of his own Times, vol. i. p. 440.

By all the wounds of your poor groaning country  
That bleeds to death. O seek the best of kings,  
Kneel, fling your stubborn body at his feet ;  
Your pardon shall be sign'd, your country saved."<sup>1</sup>

The influence of the Duchess in all probability saved the Duke of Monmouth when he was suspected of being implicated in the Rye House Plot, when she induced him to make a timely confession to the King, stipulating that it would not be used against his friends. "His lady, who was a prudent and valuable woman, had been a great means to bring him to that confession, which had released him from his confinement; but as soon as he got to his old companions, he no longer paid any regard to her advice and intreaties, but despised her understanding, as much as he magnified his own."<sup>2</sup>

The retirement of the Duke to Holland removed him from the beneficial influence and prudent counsel of his wife, and he gave himself up entirely to the advice of those who stimulated his ambitious hopes.

The death of King Charles the Second occurred when Monmouth was abroad, and he soon took measures to prosecute the memorable invasion which ended in such disastrous failure. Acting in concert with Archibald, ninth Earl of Argyll, who made a descent on the west of Scotland, Monmouth,

<sup>1</sup> Dryden and Lee's "Duke of Guise," Act I. Sc. 3. In Dryden's "Vindication" of the "Duke of Guise," he alludes to the kindness he had received from the Duke and Duchess of Monmouth, especially the latter. "The obligations I have had to him were those of his countenance, his favour, his good word, and his esteem, all which I have likewise had in a greater measure from his excellent Duchess, the patroness of my unworthy poetry. If I had not greater, the fault was never in their want of goodness to me, but in my own backwardness to ask."—Dryden's Works, vol. vii. p. 163. Dryden was not the

only poet of eminence who was encouraged by the Duchess. Gay, when a young man, found leisure, as the secretary of the Duchess, to produce several of his earlier works.—[Johnson's Life of Gay.]

<sup>2</sup> Carte's Life of the Duke of Ormond, vol. ii. p. 531. While Monmouth was in disgrace at Court in 1683, the Buccleuch estates were protected by a Royal letter to the Privy Council of Scotland, in September 1683, which ordained that the whole of the rents and emoluments should be paid to the Duchess.—Copy Letter in Buccleuch Charter-room.

having hired a frigate and two other vessels, set out from Holland, and landed, without opposition, on 11th June 1685, with about eighty followers, at Lyme Regis, in Dorsetshire. His declaration was read at the market-place of that town. In it he professed that he had come for the preservation of the country from Popery and arbitrary power, and for the protection of the Protestant religion and the liberties of the people. Proclaiming war against King James, he charges him with the assassination of the Earl of Essex, and also with poisoning the late King. Although in the declaration he asserts a right to the Crown, Monmouth did not, on that occasion, insist on the title of King.

Collecting a number of followers, the Duke marched to Taunton, which he entered with about 3000 men, and was there quickly reinforced, until his forces amounted to more than 6000 men. He then resolved to claim the Crown, and caused himself to be proclaimed King at Taunton, on the 20th June 1685. Marching with his army by way of Bridgewater and Glastonbury, he intended to attack Bristol. Before reaching that city he learned that the King's army was approaching in considerable force, and he abandoned his designs upon Bristol, and began to retrace his steps by way of Bath, which he summoned to surrender, but did not enter. Retiring through Phillips Norton, his troops were attacked by the advanced guard of the King's army, commanded by his half-brother, the Duke of Grafton. An engagement ensued, in which the King's troops were driven back, and Monmouth continued his retreat to Frome. There he heard of the defeat and capture of the Earl of Argyll. His prospects now appeared gloomy. Although the common people had flocked to his standard in considerable numbers, he had received little or no support from persons of substance or position. Relying on his popularity and the enthusiasm which had been shown during his former progresses, he had come without adequate means either in money or arms, in the belief that his appearance would be sufficient to provoke a rising throughout the country. But the gentry and nobles held aloof. And now, not many days after his landing at Lyme Regis, his cause already

appeared hopeless, and many of his followers began to desert him. It was then discussed if Monmouth and those exempted from pardon should not make for the nearest port, leaving the others to take advantage of the King's proclamation offering pardon on their submission. They decided to remain and abide the result. Expectations were entertained by them of a rising in the metropolis, which would cause a diversion in their favour, and they hoped that the Guards and others of the King's soldiers would not fight against their former commander, but would desert the King and join Monmouth.

The retreat was continued to Bridgewater, where the Duke learned that the King's forces had marched from Somerton, and were encamped on Sedgemoor. Monmouth intended marching to Gloucester, and crossing the Severn, to make for Cheshire and Shropshire, where he hoped to be joined by his friends in those counties. Preparations were made for carrying that scheme into execution. The position of the King's army, however, suggested the possibility of surprising and defeating them in a night attack, and Monmouth decided to make the attempt. Setting out from Bridgewater about midnight, he led his followers by a circuitous route, and arrived close to the enemy's camp before being discovered. The camp was protected in front by a wide ditch passable only at fords, and the difficulty of finding these in the darkness gave time for the King's troops, under Lord Feversham, to prepare for resistance. Lord Grey had been ordered to attack the camp in flank with the cavalry, but missing the passage over the ditch, his untrained horse, exposed to the musketry fire, speedily fell into confusion. Feversham had in the meantime brought up his artillery, and the undisciplined levies of Monmouth, who had now lost all the advantages of a surprise, were soon dispersed with great slaughter, although many of them made a gallant stand. Monmouth, seeing defeat inevitable, made his escape about three o'clock in the morning from the field. Disguised in the dress of a shepherd, with whom he exchanged his clothes, he concealed himself for two days from his pursuers. But a large reward was offered for his capture, and he was at last discovered, overcome with fatigue, hidden in a ditch near the village of

Horton, in Dorsetshire. He was first conveyed to Ringwood, from whence he wrote to the King, and also to the Queen-Dowager, and the Earl of Rochester, expressing remorse for having taken up arms against his Majesty. A few days afterwards he was conducted to London, and imprisoned in the Tower.

On hearing of the defeat of Monmouth, Margaret, Countess of Wemyss, wrote the following letter to the Master of Melville, expressing her sympathy with her sister the Duchess :—

MY DEAR NEPHEW,—I hope this shall not bring the first news of the unfortunat Duke of Monmouth, who by all apearance is taken by this time or kill'd. I was unwilling to write to my sister, least she knew not of it ; but if her business be not very pressing, I think she should come here and wait on our dear mother, who does not yet believe him in such hazard. Alas, the sad stroak will be heavy enough when it coms, without the aggravation of groundles hops. The Lord comfort her. I ame in such confusion I can write noe more. Adieu, dear nephew.

For the Master of Melvill.<sup>1</sup>

A contemporary manuscript preserved among the Buccleuch muniments, being a copy letter subscribed with the initials of "J. F.," and written by an eye-witness of some of the scenes, who completed his narrative of the last days of Monmouth from the most authentic sources at his command, gives an interesting account of the demeanour of the Duke from the time of his imprisonment in the Tower until his execution. Describing the first interview of the Duchess with her husband after his capture, he says :—

"That night he was carried away to the Tower, and the Duchess, his lady, haveing obtained leave of his Majestie to see him, and desireing my Lord Privie Seall might be by all the while, that no discourse might pass betwixt them but what was fitting his Majestie should know, was conducted to him by his Lordship. The first interview was melancholy enough. He saluted her, and told her he was very glade to see her. Most of the discourse that passed afterward was directed to my Lord Privy Seall, and insisted of much what

<sup>1</sup> Original Letter at Melville House.



he had said to his Majesty, but enlarged on the topicks that might induce his Majesty to save his life, fancieng withall that he hoped that he had given his Majesty satisfaction so as not to despair of pardon ; that his life would be of service to the King, as knowing the bosome of all the dissaffected persons in his dominions, and therefore capable of all their ill designs and preventing thereof against his person or Government. The Lord Privie Seall told him that he had no order or comission from his Majesty to say any thing to him, but to wait on his Lady and conduct her to him ; that if he had anything to say to him in relation to his affairs and children, that he would lose no time in doing of it ; that if he was not willing he should be present at what he should think fit to say to his Lady, he would withdraw into the nixt room ; and for his hopes of satisfieing the King he knew best himself what was past betwixt them, and what ground he had to hope when he parted from the King. At his being convinced now of the villany and knavery of the men that set him upon that false designe, and concurred with him in the execution of it, was no more then what was long before, haveing declared so frequently to the late King, in the hearing of so many persons, that they were knaves and villans ; that Ferguson was a bloody rogue, and alwayes advised to the cutting of throats, and how should it happen that he should suffer himself to be ruled and imposed upon by them.

“This was the substance of his Lordship’s discourse, to which at severall times he made replys, that he had nothing to say to the Lady but what his Lordship might safely hear ; that he was oblidgeed to his Lordship for the great friendship and kindness he was pleased to shew her, for the last in particular. But the notion of hoping for pardon running strangly in his head,” he asked frequently if there were no hopes of mercy, and expressed “the desire he had of makeing the King’s reigne happy and easie, which he fancied would certainly happen if his life were spared.

“Then the Duchess tooke the liberty to interupt him in these digressions and imaginary expectations of life, and after some generall things, asked him if ever she had the least notice and correspondence with him about these

matters, or had ever assented to or approved of his conduct during these 4 or 5 last years; if ever she had done any thing in the whole course of her life to displease or disoblidge him, or ever was uneasie to him in anything but two, one as to his women, and the other for his dissobedience to the late King, whom she always took the liberty to advyse him to obey, and never was pleased with the dissobedient course of life he lived in towards him. If in anything else she had failed of the duty and obedience that became her as his wife, she humbly begged the favour to disclaim it, and she would fall down on her knees and beg his pardone for it. To which moveing discourse he answered that she had always shewen herself a very kind, loveing, and dutifull wife toward him, and had nothing imagineable to charge her with, either against her virtue and duty to him, her steady loyalty and affection toward the late King, or kindness and affection towards his children; that she was always averse to the practice of life and behaviour towards the late King, and advised to great compliance and obedience towards his commands."

On Monday, the day after this interview, the intimation of his execution to be on the Wednesday thereafter was brought to him by the Bishops of Ely and Bath and Wells. All his importunities for a pardon or even a respite having proved unavailing, "he layed down his hope of liveing, and bethought himself of the well-employeing the few hours that remained." To the divines who remained with him he expressed his sorrow for the course he had followed in the rebellion. "He owned the King to be the only true and lauffull King, and renuned and disclaimed all title and pretensiones to the Croune."

On one point their reasoning and exhortations could not move him, and that was the opinion he held as to his connection with Lady Henrietta Wentworth. Admitting their intimacy, he persisted in asserting its blamelessness, and from this view of their relations he could not be persuaded. "He knew her," he said, "to be a vertuous and godly lady (these were his own words), and far from deserving the unkind censure she ly's under on his

account. That it is true that their conversation was very intimate together, and whatever was of it he had consulted God in prayer about it, to know His pleasure and approbatione, and had not mett with anie returne that marked His dislyke or discountenancing of their conversatione.”

The last meeting and farewell with his wife and children took place on the morning of his execution.

“His behaviour all the tyme was brave and unmoved, and even durieng the last conversatione and farewell with his ladie and children, which was the mourningest scene in the world, and noe bystanderes could see it without melting in teares, he did not show the least conservednes. He declared before all the companie how averse his Duches had bein to all his irregular courses, that she had never bein uneasie to him on any occasione whatsoever but about women and his failzing of dutie to the leat King. And that she knew nothing of his last designe, not haveing heard from himself a year before, which was his owen fault, and noe unkyndnes in her, because she knew not how to direct her letteres to him. In that he gave her the kyndest character that could be, and beged her pardone of his many faillyings and offences to her, and prayed her to continow her kyndnes and caire to his poor childeren. At this expressione she fell down on her knees with her eyes full of teares, and beged him to pardone her if ever she had done any thing to offend and displease him, and imbraceing his knees, fell into a sound, out of which they had much adoe to raise her up in a good whyll after. A little before his childeren were brought to him, all crying about him. But he acquitt himself of these last adewes with much composednes and sinceritie of temper, shewing nothing of weaknes or unmanlienes.

“About ten a cloak he was carried out of the Tower in coach, and after haveing passed the bridge was delyvered into the Sherif’s hands, who led him alonge up to the scaffold. Noe man observed more couradge, resolutione, and unconcernednes in him any tyme before then appeired in him all the whyll he walked on the scaffold, whyll he mounted the scaffold, and whyll he acted the last pairt upon it. As he walked to it all the horse and foot

guards were drawn up round about the scaffold on Tower Hill. He saluted the guards and smyled upon them. When he was upon it, the Sherif asked him if he had any thing to saye. He told him he was never good at the makeing of speeches, and would not begine now, for he was sure he would not be heard, and if he were it would signifie nothing."

He then spoke once more of the Lady Henrietta Wentworth, in similar terms to those he had used in the Tower. The sheriff and the divines remonstrated with him, and continued to importune and harass him on the doctrine of non-resistance. After prayers he "went to that part of the scaffold where the block and axe laye. The axe he took into his hand and felt the edge of it, saying to Jack Ketch, the executioner, that sure the axe did not feill as if it were sharp enough, and prayed him that he would doe his office weell, and not serve him as he was told he had done the late Lord Russell, for if he gave him tuo stroaks he would not promise him that he would lye still to receive the third; and putting his hand in his pocket gave him sex guinies, telling that if he did his dutie weell, he left six more in his servant's hands to be given him after he was dead, provyding he did his busines handsomely. All this he said with also much indifferencie and unconcernednes as if he were giveing ordours for a sute of cloathes; noe change nor alteratione of countenance from the first unto the last, but stript himself of his coat, and haveing prayed, layed himself doune and fitted his neck to the block with all the calmnes off temper and composer of mynd that ever hath bein observed in any that mounted that fatall scaffold before. He would have noe cap to his head, nor be bound, nor have anie thing on his feace. And yett for all this the botcherly dog, the executioner, did soe barbarously act his part, that he could not at fyve stroaks of the ax sever the head from the body. At the first, which made only a slender dash in his neck, his body heaved up and his head turned about. The second stroak he made only a deeper dash, after which the body moved. The third not being the work, he threw away the ax, and said, 'God danne me, I can doe noe more, my heart failles me.' The bystanderes had much adoe to forbear throwing



him over the scaffold, but made him to take the ax againe, threatening to kill him if he did not his deutie better, which two stroaks more not being able to finish the work, he was fain at last to draw furth his long knife, and with it to cutt of the remaining pairt of his neck. If there had not bein a guard before the shouldieres to conduct the executioner away, the people would have torne him to pieces, soe great was their iudignatione at the barbarous usage of the leat Duck of Monmouth receaved at his hand. There were many that had the superstitious curiositie of dipping their handkercheifs in his blood, and carreying it away as a precious relique.”

The demeanour of the Duchess of Monmouth during this trying period is thus alluded to by the writer :—“The Duchess of Monmouth has demained her self dureing this severe tryall and dispensatione off providence with all the Christian temper and compositione of spirit that possibly could appeir in a soule soe great and vertuous as hers. His Majestie is exceedingly satisfied with her conduct and deportment all alonge, and has assured her that he will take a cair of her and her childeren. In the afternoone many ladies went and payed the complement of condolance to her, and when they had told her how great reasone she had to bear this dispensatione with that vertue that has appeired always in the actiones of her life, and how the world celebrated her prudencie and conduct dureing her late Lord’s disloyaltie and behaviour to the late King, and his unkyndnes to her, that justly gave her a name that few of the former or present ages ever arryved at ; to which she modestly replyed that she had bought that comendatioue dear.”<sup>1</sup>

After Monmouth had proclaimed himself King at Tauntou, King James fearing that the children of the Duke and Duchess might be made use of for factious purposes, caused them to be imprisoned in the Tower. The Duchess voluntarily followed them thither. While in the Tower the Lady Anne Scott, their only surviving daughter, then ten years of age, died. She was buried in Westminster Abbey, on 13th August 1685. A letter written by the Duchess, apparently to the Duchess of Buckingham, bearing throughout a tone of sadness,

<sup>1</sup> Manuscript in Buccleuch Charter-room.



probably refers to this time of her double bereavement. She says: "Ther is verie feue p[e]opale I can love much, and it is a sad thing not to be with them. I belive death and absence never was mor creuall to anie then me. I do absulutly despair of ever being contented, as I have bine with you, for it is not imagenabl what satisfaction I had to go with you to see my pooir child. But I will not say anie mor of what is past for ever."<sup>1</sup>

The Duke of Monmouth had, on 28th September 1678, made his will and testament, by which he bequeathed the whole of his moveable property to his wife, Anna, Duchess of Buccleuch and Monmouth, appointing her sole executrix. In case of his death before all of his children reached the age of twenty-one years, he appointed as tutors Henry, Earl of Clarendon, George, Lord Melvill, Sir Stephen Fox, and two sons of Lord Melvill.<sup>2</sup>

The resignation and regrant of the Buccleuch titles in 1666 has already been described. After the death of the Duke his English peerages of Monmouth, Doncaster, and Tynedale were forfeited by the Act of the English Parliament of 1685, and it was considered necessary to obtain a sentence of forfeiture against him and his descendants by the Court of Justiciary in Scotland. By proclamation at the Market Cross of Edinburgh, on 9th June 1685, he was cited to appear within sixty days to answer the charge of high treason.<sup>3</sup> The trial, to which his heirs had been cited, was fixed for the 21st December. It was objected that as the heirs were not at liberty to appear, "being either in the Tower of London or otherwise under restraint," the decision "might afterwards be pretended to be a nullity and informality." The Secret Committee deliberated on 4th January 1686, and the King's Advocate said "it was not safe to set the children at liberty, because it might prove pernicious to the Government if they were afterwards made use of as the head of a faction and rebellion." The Court did not agree with

<sup>1</sup> Original Letter in Buccleuch Charter-room. The letter is dated 23d March, the year not named.

<sup>2</sup> Copy Will in Buccleuch Charter-room.

<sup>3</sup> Fountainhall's Decisions. Fountainhall states that the landing of Monmouth in England was not known in Edinburgh on the occasion of the first citation.

him, and continued the case in order to consider if they would have the children sent down to the Castle of Edinburgh.<sup>1</sup> The King gave permission to the Duchess of Monmouth either to go with her children to Scotland or appear by commission and letters of Attorney, which latter course she chose. The Lords, however, refused to register the Commission, and the trial proceeded.<sup>2</sup> On 15th February 1686, the Court “decerned and adjudged the said James Scott, late Duke of Buccleuch and Monmouth, now deceist, his name, fame, memorie, and honors to be extinct, his blood to be tainted, and his armes to be riven forth and delate out of the Book of Armes, sua that his posteritie may never have place, nor be able heirafter to bruik or joyse any lands, lordships, titles, dignities, offices, priviledges,” etc.<sup>3</sup>

The effect of that sentence, according to the law of treason observed in Scotland before the Union, was to forfeit the titles of Duke and Earl of Buccleuch, Earl of Dalkeith, etc., which were held by Monmouth in his own person, and probably also the rights of his children to succeed to these honours under the regrant of 1666 to him and their mother. The right of the Duchess herself to the Buccleuch honours during her life was not affected by this forfeiture of her husband. But the succession to the honours and estates on her death might have raised a question. To prevent this, and to secure them to her family, the Duchess granted a procuratory of resignation at her lodging in the Mews, London, on 16th April 1687, of her honours and estates into the hands of the Crown for a new grant, which was made by a charter under the Great Seal, and bearing date 17th November 1687,<sup>4</sup> to Anna, Duchess of Buccleuch, and after her death to James, Earl of Dalkeith, her eldest son, and the heirs-male of his body; whom failing, to the heirs of taillie and provision named in the entail made by Francis, Earl of Buccleuch, of the title, honour, and dignity of Duchess of Buccleuch and Countess of Dalkeith, Lady Scot of Whitechester, Eskdail, etc., and earldom and lordship of Buccleuch, with all precedencies, pre-eminences, and liberties whatsoever

<sup>1</sup> Fountainhall's Decisions.

<sup>2</sup> *Ibid.*

<sup>3</sup> Extract Decreet in Buccleuch Charter-room.

<sup>4</sup> Reg. Mag. Sig., Lib. lxx. No. 336.

belonging thereto; and of the lands, lordship, baronies, teinds, and others particularly therein written. This regrant was ratified in Parliament 15th June 1693.<sup>1</sup>

The kindness with which King James accompanied his ready consent to this resignation is referred to by the Duchess in a letter to the Earl of Cromartie. She says the resignation "was verie readily consented to by his Maiesty, and verie kindly he spok to me, which I do valow verie much, and indeed he has ever shown me much favor in what ever concerns me."<sup>2</sup>

While the Duchess enjoyed the honours under this regrant, the Act of 4th July 1690 was passed, rescinding the sentences of forfeiture which had been pronounced against a great number of persons who are particularly named. Among these is "James, sometyme Duke of Buckcleugh and Monmouth." The same Act contains a general revocation of all sentences of forfeiture pronounced in Scotland from 1st January 1665 to 5th November 1688. The Act also "rehabilitates and restores soe many of the saidis persones as are living, and the memorie of them who are deceased, their aires, successors, and posterity, to their goods, fame, and worldly honour, and to use all lawfull acts and deeds in judgement and outwith the samine : And to all and sundrie their lands, heretages, tacks, steidings, debts, and possessions whatsoever, which they or any of them had the tyme of the leading of the said processes against them." This Act was merely confirmatory of the particular restoration which was made in favour of the children by the regrant of 1687.

It will thus be scen how the Duchess came to hold the Buccleuch dignities in her own right, both after the forfeiture of the Duke in 1685, and also subsequent to the Act Rescissory in 1690, to the exclusion of her son.

When all the resignations and regrants which were made of the Buccleuch dignities are attended to, they resolve the puzzle which occurred to Sir Walter Scott and Mr. T. B. Howell. Sir Walter was mistaken in his "opinion that the dukedom of Buccleuch is at present inherited under the operation of the Rescissory Act of 1690." Mr. Howell was correct in his conjecture of a

<sup>1</sup> Acts of Parliament of Scotland, vol. ix. p. 341.

<sup>2</sup> The Earls of Cromartie, by William Fraser, vol. ii. p. 259.

resignation of the honours to vest them in the Duchess, but he failed to confirm it by making an unsuccessful search in the records in Edinburgh, which induced him to state that no grant of the Buccleuch titles could be found between the years 1663 and 1673. He had overlooked the regrant of 1666, which would have explained the difficulty which he and Sir Walter Scott were unable to solve.

In the absence of the real fact, Sir Walter, in a letter to Mr. Howell, indulged his sagacious imagination with the following conjecture:—"I should not be surprised to find that Duchess Anne, who was a woman of very high spirit, had arranged her son's assumption of the title at her own hand, and in her own way, which, as she was indisputable possessor of the whole fortune, her son could have no great interest to dispute."

Dr. Johnson also alludes to the spirit of the Duchess as being "inflexible in her demand to be treated as a princess."<sup>1</sup> In several of the charters granted by her as superior of the town of Dalkeith, she even adopted the somewhat imperial style of "Mighty Princess." Her cousin, Lady Margaret Montgomerie, related that while dining with the Duchess at Dalkeith Castle, she was permitted, being a relative, to be seated, but all the rest of the guests stood during the repast. The Duchess was attended by pages, and served on the knee.<sup>2</sup>

Having remained a widow nearly three years, the Duchess married, in May 1688, Charles, Lord Cornwallis.<sup>3</sup>

During the life of the Duke of Monmouth, and especially in the last few years before his death, the revenues of the Buccleuch estates had been largely drawn upon for promoting the schemes into which he had entered. The writer of the manuscript already quoted, in describing the last interview between the Duchess and the Duke of Monmouth, says, "I forgot to tell your Lordship that among other discourses that past betwixt her husband and her,

<sup>1</sup> Johnson's *Life of Gay*.

<sup>2</sup> Information of the late Honourable William Leslie Melville, brother of the late Earl of Leven and Melville.

<sup>3</sup> This was also the second marriage of Lord Cornwallis. His first wife was Elizabeth, daughter of Sir Stephen Fox, father of the Earl of Ilchester and Lord Holland.



she declared that for the last four or fyve yeares she had received but out of her estate in Scotland 1100 libs., and all the rest being employed by him.”<sup>1</sup> After the second marriage of the Duchess with Lord Cornwallis, Sir Stephen Fox, with the advice of Lord Melville, made a careful and thorough investigation into her affairs. As the result of this examination, he advised that a system of retrenchment should be at once commenced, so that the estates should be relieved from all embarrassment. This advice the Duchess and her husband willingly adopted, and they decided to set aside their whole income arising from English sources for paying their debts, and restricting themselves for their maintenance to the revenues of the Scottish estates. On this subject the Duchess writes, on 31st May [1694], to the Earl of Melville :—

“I am to ask a thing I belive will mak you angrie with me, which is this, whether it be possible to repay my son Harry anie other way then out of the curant rent, for it will be mighty inconvenient if that thousand pounds which I wrett to the Comisoners should go to his uess be not remited hithir, and another thousand pound I have drawn from Sir Stephen Fox of Harry’s money, so if ther could possibly be a way to pay thes two thousand pounds with anie debt is owing me of anie other arears, or in short anie way, it would be a great advantag to my affairs at this time, becaws I have aloted my jounter here to pay my debts, and would keepe, if posible, my reveneu from Scotland for my constant mentinance. Now, if thes tow thousand pounds are pay’d to my son, it will ocation my having so litle mony to live on for som time that I know not how to turn my self. . . . You will chid me for beeing in debt, but I am going to retrench extreamly, and get out of it, never to comit that fault again.”<sup>2</sup>

The Duchess and Lord Cornwallis having agreed to the reduction of their annual expenditure, the Earl of Melville engaged to see to the transmission of the money from Scotland at regular intervals. Sir Stephen Fox, who had been active in making the arrangement, wrote with much satisfaction to Lord Melville :—

Cheswick, 12th July 1694.

MY LORD,—I have great sattisfaction in the honour of your Lordship’s good letter of the 23d of June, for it settles the remitting into England £4000 a year,

<sup>1</sup> Manuscript in Buccleuch Charter-room.

<sup>2</sup> Original Letter at Melville House.



which enables me to furnish that sum by weekly and quarterly payments to carry on her Grace's reduced expence at that rate, which her Grace's prudence doth submit to; and since it is in order to get out of debt, the justice of her mind will make it the easier to be borne, though, indeed, the establishment at present is very hard, after their living at above three times as much; but a gangreen must be cured by a violent operation, which is so farr effected that the soonest day it was fitt to enter upon the lessening all expences, and to bring them down to what is practicable, was taken hold on, and your good Lordship's advice therein was pressed, considered, and so prevailed, that now her Grace's family goes on upon the foot of £4000 per annum; and the Exchequer payment here, with my Lord Cornwallis's estate, both may be £7000 per annum, is appointed to be paid to clear all debts. . . . And in this worke (for it proves to be labour) I have a double satisfaction, for it was ever my pleasure to serve her Grace and hers, and by this way I hope to do it effectually for them, and at the same time have an eye to preserving my own grandchildren, who are equally tender to me, that they may come to their father's estate without troublesome debts upon it, and so ease two familys by persisting in the rules set by your Lordship's advice, which, by what I have said, I have good cause to be thankful to your good Lordship for.<sup>1</sup>

It had been represented to the Duchess that a considerable addition would be made to her revenue if she would farm her estates. But to this proposal she would not consent. In any system of retrenchment to be adopted, she would be no party to the oppression of her tenants.

"As to the new farmers," she says, in a letter to the Earl of Melville, "they are lick to get the old ansur from me, that I think I will never farm my estat whilst I live, and I am sure I will not do it now. You know I think it would rewin the tenants, or else, I am sure, oppress them, which I will never do, and I am resolved nobody ever shall do it whilst I live. I think my self sure of your aprobation in the matter, knowing you to be both just and good natur'd."<sup>2</sup>

While thus curtailing so largely her own expenditure, the Duchess made honourable provision for her children. Referring to an arrangement made with one of her sons, she writes from London, 3d April [1696]:—

<sup>1</sup> Original Letter at Melville House.

<sup>2</sup> *Ibid.*

“I would fain have my son resave his full rent of what coms to his shair now, this beeing one terme, so this thousand pound I last resaved he has it all ; and pray order the matter, so that as soon as it can, the rest of his money be sent up. You can best calquat what it coms to, but you know it would look ill to run in arrear with him when the settlement is made so firm and well ; it would look lick some other parants who do not keepe ther articalls with thair children, and I would not imitatt them. I shall most exactly add to the papers you left with me till the whole expence be sett down, which is allmost all pay'd for. Now I give no mor gifts since the revnew is begun to be pay'd. You understand me ; all I proposed was to clear his wedding, which you know will put him befor hand now at the begining of setting up, and being a married man, and he is verie sensabl of this kindness.”<sup>1</sup>

Scrupulous as the Duchess was to do ample justice to her children, it was her purpose to retain in her own hands during life all her rights and possessions. She therefore steadily declined, what has been sometimes done by parents, to transfer to her eldest son in fee her estates, reserving to herself only a liferent interest. On this subject she thus writes in a letter from London, 3d September [1698] :—

“I would have put my son in fee of my estate when Gream would have hade me given him half, but till I chang my mind I will keep all the rights I injoy from God and my foirfathers. I did not com to my estate befor my time. I was my sister's aire, and I bliss God I have children, which I trust in His mercy will be mine when I am dead. The Duchess of Hamilton is but a woman, and wee are not such wis creatures as men, so I will folow no exempull of that sort till I see all the nobellmen in Scotland resin to ther sons, then I will consider of the busines.”<sup>2</sup>

The same determination is expressed in another letter to the Earl, in which, after calling herself his sister, she adds, “for so I am to you, but a man in my own famelly.” The following is the letter :—

<sup>1</sup> Original Letter at Melville House.

<sup>2</sup> *Ibid.* The Duchess of Hamilton married William, Earl of Selkirk, who was created Duke of Hamilton for life. After his death

her Grace resigned her honours in favour of her eldest son, James, Earl of Arran, to whom a new Patent was granted, creating him Duke of Hamilton.

London, Novem. 19 [1698].

I was much parplected for two or three days for fear of my nephew Leven. I heard he was dangrously ill, but your letters of the 10 and 12 has put me at eas, for you say he is better, and by your letters it seems he was not so sick as I heard. I pray God make him well and keepe him so. I shall send the comisions next wick if wee can wrett them here, but to tell you the truth, I do not well understand by your letter whithir or not thes papers should be signed by Lord Rochester and me; for if the layers differs never so much, yit thy must com to a conclusion at last what wee are to do. And for ther particular debats I am no judge whithir thy have reason or not, or who is in the right or who is in the wrong. So that all one can desir to know in on other countray is what thy all agree to at last: as when physions consults for a sick person it is only what ther last agreement determins that is fixed on to mak the dosse. As to the other proposition I have given my answr as fully as can be esspress'd, so I'le say no more to troublb you with the matter, only this, I'le never light anie body doun stares in my own hous, as the Empriour Maximilion did, for fear I should repentt it. Tho I love my child as well as anie body living ever lov'd ther own flesh and bloud, but will never be so blinded whilst I keepe my reason as to lessen my self in my own famelly, but will keepe my outhorety and be the head of it whilst it pleases God to give me life. And I hope Jeams will have the witt to do so to, and Frances also; and I trust in God a neumourus race from him, and all of a mind to keepe ther own firmly, as ther old grandmother will do, who, God be thanked, hes not disgraced them. By this time, for all your gravety, I am sure you lawgh at your sister, for so I am to you, but a man in my own famelly. You will be wereyd with this scriblin.

I am,

Intirly yours,

A. B. C.

I thank your Lordship for this second paper concerning this busines of the Duck Somerset. I will ansur it at large by itself—my leter is to long now.<sup>1</sup>

The initials "A. B. C." were commonly signed to the letters of the Duchess after her marriage with Lord Cornwallis. The initials were for Anna Buccleuch and Cornwallis.

<sup>1</sup> Original Letter in Buccleuch Charter-room.

The Duchess was much gratified at the attention which the Earl of Melville had bestowed on her affairs, and being apprehensive that his public duties would prevent him continuing the management of her business, writes to him :—" Can you mind my busines at this time when ther is so much public affairs ? I shall be much obliged to you if you do, for you know I ues to say, you mind your countray as much as the old Romans ever did."<sup>1</sup>

Again, writing to him from London at a later date, she says :—" I thank you for your letter, the mor becaus I know your good Lordship to be the lazeyest body living at wretting. My sister Wemys complains most horribly of you, not that I was desir'd to say so."<sup>2</sup>

On 17th July she writes :—" I hate long letters ; but I wish you often by me. I think you love to end your letters with a compliment, but I dare say we shall never fall out,—at lest it shall be your fault if we do, and so I conclud this silly letter."<sup>3</sup>

Having received intelligence of the death of Alexander, Lord Raith, eldest son of Lord Melville, on 27th March 1698, she wrote the following letter of condolence to his Lordship :—

London, April the 5, [1698].

I am so much greev'd for the death of my nephew I know not how to expres my self ; indeed, it was a surpriss to me, for I did hope he had been beter, for so I heard he wass. I will not trouble you much now. I pray God to comfort you and all his relations. My poor sister, I will wrett a line to her. I am as much consernd for you as one body can be for another.—I am most faithfully yours,

A. B. C.

For the Earl of Melville.<sup>4</sup>

Her relations with the Earl of Leven, son of the Earl of Melville, were at this time of the most friendly character. Writing to him from London, June 1 [1700], the Duchess says :—" In your last letter you claim the comendation which, indeed, you desarve for the manie letters I have had

<sup>1</sup> Original Letter at Melville House, dated London, 22d June—the year not given.

<sup>2</sup> *Ibid.*, dated 20th May—the year not given.

<sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.*

from you of lait; but I mean your volantary letters, not those your father made you wrett, for thos you could not helpe. You see I distinguis nicely.”<sup>1</sup>

Again she writes to him:—

“Your two last wer both wrett at extrorandry times, first at the begining of a battall, as it proved, next the begining of your Lady’s labour, of which I hope to hear good news. I am glad your father had no ill accident in that disorder. I am as much conserned for him as you can be. . . . I hope in God all things will soon be quaitt amongist you. I do as much long to go to Scotland as ever I did to anie thing in my life, but not if wee have not peace and quaitness.”<sup>2</sup>

The Buccleuch Muniments, which have escaped so many dangers, were saved from destruction in the year 1700 mainly through the energy of Lord Melville, who had his hand and arm badly burned in saving them from destruction by fire. They had been stored for security in a new stone building in Parliament Close, which was destroyed in the great fire in Edinburgh in the year 1700. Lord Melville, writing some years afterwards to Lord Craighall, says: “I am obliged to make use of a borrowed hand when I can have it, wanting the use of mine own for a long time, which obligation I owe to her Grace, among many others.” A contemporary paper relates that “had not hee concerned himselfe verie much to preserve her peapers, its probable they had gone to the flames.” Melville took lodgings in the stair to which the papers were removed, to be at hand in case of accident, “and actually ane fyre fell out in the Lukenbooths, just over against it in the tyme.”<sup>3</sup>

In the summer of the year 1701, the Duchess resolved on making a journey to Scotland, and residing for some time at Dalkeith Castle. The long residence of the Duchess in England had produced a belief among her tenants in Scotland that she had lost all attachment to her native land. This belief, as has been already shown, was wholly groundless. Although the early age at which the Duchess went to reside in England, the circumstance of her marriage, and the surroundings of the Court, must have done

<sup>1</sup> Original Letter at Melville House.

<sup>2</sup> *Ibid.*

<sup>3</sup> Documents at Melville House.



much to obliterate her recollections of the land of her birth, she repeatedly asserted the possession of her "Scotch heart," which, she assures Lord Royston, is "the same I brought to England, and will never change," and expresses her desire to revisit her native country. Writing to him at a later period, she remarks, "I believe I should think the hills of Liddisdale as present as your Lordship did, for I really long to be in Scotland again."<sup>1</sup> Writing afterwards to him for his advice concerning the purchase of land, she says: "I am really grouw covettus to incress my land in that part of dear Scotland."<sup>2</sup> Her anxiety to complete another purchase of land in her native country, she explains by the remark, "You see I am, as I was born, a Scotts woman."<sup>3</sup>

Her residence apart from her estates, however, had altered in great measure the relations which had formerly existed between the chief and the other members of the clan. The change which had taken place, and the regretful longing for a return of the old times which had passed away, are described by Satchells:—

In England now the Dutches dwells,  
Which to her friends is a cursed fate,  
For if they famish, starve, or die,  
They cannot have a groat from that estate.  
The times of old are quite forgot,  
How inferior friends had still relief,  
And how the worthiest of the name,  
Engaged themselves to hold up their chief.  
And in requital of their love  
His honour took of them such pain,  
They never went unto the law  
'Gainst one another at any time ;  
In whose case or cause soever it was,  
Debts, riots, or possessions,  
Their chief he was immediat judge,  
The lawyers got nought of them.<sup>4</sup>

<sup>1</sup> Original Letter in Buccleuch Charter-room.

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*

<sup>4</sup> History of the Name of Scot, p. 51.

The existence of this feeling may have become known to the Duchess, and she may have expected a reception not altogether courteous from the humbler residents on her estates, as in a letter to the Earl of Leven, announcing her intended journey, she says, "I hope non of the moab will com to meet me." But she adds:—

"For p[e]opall of quality I shall think it dos me honour, so they do not trouble them selves to go but a verie little way. You will wonder at my fancy, but I have a reason for it. Som popall has indevored to make it thought I never desir to be acquainted with my own countray men, which is not so, for I never avoided anie who would be sival to me. You have my reason, in short, why I refuss non that cars to come, as I say'd befor, for a litl way. The shipe sets out on Munday or Tieusday. . . . I may tell Elho I thank him for his one letter, but he should have answred mine."<sup>1</sup>

Of her preparations for the journey, the Duchess writes, apparently to Lord Melville, on 21st June:—

"I am oblidged to you for your intemation of what I must carry from hance. Duches of Queensbiery told my daughter Dalkeith that the Ladys sent to Eugland for ther clothes, and that ther was no silk stufs fit to be worn ther. Pray ask your Lady if this be so, for if it is wee will furnish owr selves here; but if it be not so, wee will buy as wee want when wee com thair, and be drest like other good Ladys, and break non of your Acts of Parliment."<sup>2</sup>

After giving minute directions as to the furniture and hangings for Dalkeith Castle, some of which she was sending from London, she adds:—

"I do most heartily long to be amongestt you. I wrett to you yisterday. You will never forgive thes two leters coming so soon together. You will think me extravegant in marble, but it is to shew you I do not dispyse my old Castle."<sup>3</sup>

The Duchess did not at this time intend to take a house in Edinburgh, as she writes:—"I am so near Edinburgh at Dalkeith that I shall need no

<sup>1</sup> Original Letter at Melville House.

<sup>2</sup> Original Letter in Buccleuch Charter-room.

<sup>3</sup> Original Letter at Melville House.

lodgings in town. I intend to go south to my territorys, but not till I have settled all my young children at Dalkeith; so from London to Dalkeith is the word."<sup>1</sup>

It will afterwards be seen that in a few years subsequently, the Duchess thought it proper to have a house in Edinburgh, and that she purchased from Lord Cromartie his house in Macmorran's Close, in the Lawnmarket.

Soon after she made her journey to Scotland, and probably arrived there early in October. In a letter dated Dalkeith, October 24, year not given, but apparently written at this time, she writes :—

"I think it a long time since I saw or heard from your Lordship. Though everic body told me you wer going to England, I did not believe it, becaus you sayd nothing of it when I saw you last. I begine to think Elcho has infected you. I wish you good journey first hither, then wher ever you go. Adieu.

"My service to your parants and children."<sup>2</sup>

On her arrival in Scotland, the Duchess took up her residence in Dalkeith Castle. Among her earliest visits was that which she paid to her brother-in-law George Earl of Melville, at Melville House. She met with a very cordial reception. On her return to Dalkeith she wrote the following letter, apparently to George, Earl of Melville, expressing the gratification which this afforded her :—

Dalkeith, November the 18, [1701].

The mesanger I intended for Fife, both for the cerimonell and kind part, being sick, makes me glade to take the oportunity of your own servant to give my most hearty thanks for the kind reseption I found when I was with you, in which time I might safly swear I thought myself happyer than I have beene of sevrall years, for I do avoue I think it the greatest blissing the world can give, to live with kindnes on both sids amongst one's relations, and to finde them both nearest of bloud and frindship. My Lord Leven says you have got a sore eye, which I am verie sorry for, and hope it will not continew, so as to prevent your coming on this side of the wattar, for I am impatient to see you. My dear Lady

<sup>1</sup> Original Letter, apparently to the Earl of Melville, at Melville House.

<sup>2</sup> *Ibid.*

Leven is most extreamly wanted by her most affectionat aunt and humbl servant. This looks to formall, therfor let me end with the greatest truth I can now think of, which is, that I do love you most dearly. A. B. C.

I long to have my dear Lady Marye<sup>1</sup> here. God bliss her and the rest.<sup>2</sup>

Soon after her arrival at Dalkeith Castle, the Duchess interested herself in procuring the pardon of a poor man who had rendered himself obnoxious to the Government by drinking the health apparently of King James the Seventh, induced when half drunk to do so by an innkeeper, who had promised him as a bribe as much as he could drink for a whole day. The Duchess, it will be seen, was in advance of her age in the opinion she held, that "whair ther is no murdar, I would have nobody dey befor ther time." The letter was written to the Earl of Leven, then a member of the Privy Council of Scotland:—

Dalkeith, December the 13, [1701].

Your Lordship will think me soliciter for all mankind, but whair ther is no murdar, I would have nobody dey befor ther time. All I know of this matter you will see in this inclosed. Now I know not which way to endeavor the preservation of this poor man, but if it can be don, if you would give me derection or helpe in this, do not laugh at me. I am no soldeur, but a poor merciful woman. I am, your Lordship's humble servant,

[ ]

As I just now hear this storey since I began to wrett, the landlord of the hous betrayed this man, and by promising him drink for a whole day if he would drink the helth he bid him. This wer no excuss for a sober man, but he was to full befor. Lord Tarbatt sent this petition to me in a letter.

For the Earl of Leven.<sup>3</sup>

This was not the only instance where the Duchess interfered to save the life of a Jacobite. Sir Walter Scott, Baronet, of Abbotsford, relates in his Autobiography that his great-grandfather, who took arms under Dundee and Mar, and who derived his cognomen of "Beardie" from leaving his beard

<sup>1</sup> Lady Mary, daughter of David, Earl of Leven, and Lady Anne Wemyss. She married William, Earl of Aberdeen.

<sup>2</sup> Original Letter at Melville House.

<sup>3</sup> *Ibid.*

unshorn in token of regret for the banished Stewarts, ran "a narrow risk of being hanged had it not been for the interference of Anne, Duchess of Buccleuch and Monmouth."<sup>1</sup>

On the occasion of the death of the Countess of Leven, the Duchess wrote to her sister, Margaret, Countess of Wemyss:—

Dalkeith, January the 14th, [1702].

MY DEAR SISTER,—I can not bot lament the great loss you have hade of so good a daughter ; indeed I was much pleased to see my dear nephew so happy in so good a woman. But what pleases God must be born with submission. I shall be ever much conserved for what ever befalls you or onie of yours, for besides my relation, I am more obliged to your Lord and your ehildren then to all the worald.—I am, most sineearly, your most affeessionat sister and humble servant,

A. BUCCLEUCH.

My son Dalkeith and his wif are your most humble servants.<sup>2</sup>

The friendly relations which had existed so long between the Duchess and Lord Melville and the Earl of Leven, who had managed her affairs in Scotland, were broken off soon after the arrival of the Duchess on this visit to her estates in Scotland. A long and unfortunate lawsuit followed on their estrangement, and still further embittered their feelings to each other. Several circumstances which happened about the time of her visit contributed to their quarrel. Mr. James Grahame, advocate, who was one of the commissioners of the Duchess, and also acted as her legal adviser, had taken possession of Dalkeith Castle as a residence. The Dalkeith Chamberlain reported to the Duchess many proceedings of Mr. Grahame, which were very prejudicial to her interests and those of her tenants.<sup>3</sup> On her arrival at

<sup>1</sup> Lockhart's *Life of Scott*, vol. i. p. 3.

<sup>2</sup> Original Letter at Wemyss Castle.

<sup>3</sup> Nairn reports, among other things, that Grahame had turned part of the Castle into a brewery, and that he kept so many cows that he supplied the whole country round with milk,—in both these cases not only mis-using the property of the Duchess, but interfering with the legitimate profits of her

tenants. His cows had also been turned into the deer enclosures—Mr. Nairn protesting. Among a number of other offences, Nairn mentions "his servants tying cords from glass band to glass band in the great hall and gallery for drying of cloaths, so that the weight of them pulled glass and all to the ground."



Dalkeith, the Duchess had spoken her mind freely to Mr. Grahame, for he wrote to her what he called a "Vindication," of which production the opinion of the Duchess is given in a letter to her nephew, the Earl of Leven :—

"This is to inform your Lordship, that if yow wer still at Edinburgh, I wish to see yow befor yow go to Fyfe; but wherever you ar this is to find yow out, to let yow know Mr. Grahame sent a letter to me yesterday, and the most insolent paper inclosed was euer written, as if your father and myself wer the greatest cheats living. I believe in England he would be served as Fowler is. I will not tell yow the particulars, nor send yow a copy, for I hope your father nor yourself will not stay long in Fyfe, because neither of yow spoke of haveing much busines their at this time. Upon my word, no countrey but this would let such a thing go unpunished. Pray tell my Lord Melville the aire is very good here, and such a rogue and cheat as he and I should be oftener together. I would give anything yow were here now, because I believe he intends to print this fine paper. However, something should be done. I can not brag of being very well yet, but I will do what I can to be so, to lay about me amongst my enemies."<sup>1</sup>

It is evident, from the contents of this letter, that the Duchess and Lord Melville were still on cordial terms. Mr. Grahame, believing—evidently without just cause—that the Duchess had acted towards him at the instigation of Melville, wrote another letter to her, continuing his insinuations of his Lordship's corrupt management of her business.

The general receiver of the Buccleuch estates, Mr. David Scrymgeour of Cartmore, died in 1700, about two years before the Duchess came to Scotland. He had for some time previous to his death carried on the business of a money-lender, but his speculations proved ruinous. In his intromissions with the Buccleuch rents, it was found that he was many thousand pounds in arrear. Mr. Scrymgeour, before his death, made an assignation of his private property to Mr. James Melville, for the purpose, as alleged by Lord Melville, of securing the interest of the Duchess. Since her arrival in Scotland the Duchess had learned this, and many other matters

<sup>1</sup> Copy Letter at Melville House.

relative to her estates, which generated a suspicion in her mind that she had not been fairly treated by those who had charge of her affairs.<sup>1</sup>

This suspicion appears to have suggested an examination into another transaction which had taken place about ten years previously. About the time of the marriage of the Earl of Dalkeith, it was proposed that a provision should be made for Lord Henry Scott, the second son of the Duchess. In order to raise the money for this purpose, it was determined that an assignation should be made to the Earl of Leven and Mr. James Melville of certain arrears and balances belonging to the Duchess in the hands of various parties in Scotland, chamberlains and others; and they undertook, for that consideration, to provide £8000 sterling to Lord Henry Scott. The arrangement appears to have turned out very profitably for the Earl and his brother, so much so that the Duchess did not hesitate to say that the bargain had been entirely misrepresented to her, or she would never have made it.

Possibly all these circumstances could have been satisfactorily explained, so far as Lord Melville and his sons were concerned, if friendly explanation had been admitted before their estrangement. But the Duchess was so irritated and indignant at what she conceived to be the perfidy of her friends, whom she had trusted so long and so completely, that she gave instructions for legal measures to be taken.

Writing to the Earl of Cromartie, and referring to the many changes of statesmen—

“Which evrie day nams others then wee heard of the day befor,” she adds, “this sort of variety is not verie deverting,—only when Leven is named,

‘Who’s honesty but som few will suear for,  
And not a man of them know wherfor,’

as Mr. Heudibrass truly says of his man, if he was lick his Lordship.”<sup>2</sup>

<sup>1</sup> Mr. David Scrymgeour was the eldest son of Mr. James Scrymgeour of Cartmore, and married, in 1682, Helen Aytoun of Inchdairney. In 1703 Mr. Henry Scrymgeour of Bowhill was charged to enter heir as  
cousin and only nearest in kin to him. Buccleuch Inventory of 1750.

<sup>2</sup> The Earls of Cromartie, by William Fraser, vol. ii. p. 270.

The litigation continued with considerable bitterness for several years. The Duchess again refers to it in a letter to the Earl of Cromartie. She writes :—

“I wish Leven and his father both better health and more honesty, that this wicked busines may give me no more trouble. I am sure it will not be long befor wee shall see wher the victory will light, both at Court and campe ; tho it gos not allways, as Alexander would have leftt the world, to the most deserving.”<sup>1</sup>

The matters in dispute were eventually decided, in the year 1711, by arbitration. Lord Melville felt very keenly the breaking up of a friendship which had continued for so many years. In a letter to Lord Craighall, dated 28th June 1705, after referring to the many services he had done to the house of Buccleuch, he alludes to the implacability of the Duchess, “ who has endeavoured so much to make good her word in the ruining me and my family.” A counter claim which he had lodged in the process does not seem to have been admitted by the arbitrators, in allusion to which he says :—

“I am an old man and valetudinary, and would willingly buy mine ease and quiet now in my old days ; but it seems hard enough, all things considered, to be put to quite my claime, which I willingly would do for peace cause, though I be not put to pay money, being so vast a looser allready, having not only been obliged to spend so much money, neglect mine own affairs—which has been very prejudicial—and prejudged my health so much, bringing myself into so much trouble and so many inconveniencys which are so noture to many.”<sup>2</sup>

The Duchess was still in Scotland in the month of April 1702. In a Sederunt Book of the setting of the Buccleuch lands at Hawick in that month, the name of the Duchess is signed at all the sederunts. Her Grace again visited her native country in 1705. The Earl of Rochester, in November of that year, sends her some writs from London to the care of the

<sup>1</sup> The Earls of Cromartie, by William Fraser, vol. ii. p. 274.

<sup>2</sup> Copy Letter at Melville House.

Mayor of Berwick, to whom he requests her to send for them. His letters are directed to Edinburgh.

Between the Duchess and George, first Earl of Cromartie, a friendship existed for many years. To him and his son, Sir James Mackenzie, Lord Royston, her Grace was much indebted for advice in the management of her extensive estates in Scotland. Writing to the Earl from Moorpark, on 19th August 1694, the Duchess expresses her hope of seeing him once again in England. She assures him her mind was not changed towards him, for what began in her childhood would not alter in her age.<sup>1</sup> In a letter to him from the same place, 28th October, she tells him that she thought by his writing that he believed she did not care for his visits when he was in England. He had misunderstood her. She used a wrong phrase when she said, "We should wear out of acquaintance, for it seems wee are not yit acquainted; at lest you are not with me, if you think your visitts or advice is not as welcome to me as it is posibl anie bodys alive." Her daughter Isabella should be trained up to love his Lordship, as her mother did before she could speak or walk. The Duchess informs him that he has another friend coming "to comfort my frind Tuadall in his old age."<sup>2</sup> This coming friend was Francis, afterwards second Duke of Buccleuch.

John, Master of Tarbat, eldest son of Lord Cromartie, was concerned in an unfortunate quarrel, which ended fatally to one of the parties, a Frenchman of the King's Guard. Replying to a letter from the Earl informing her of the acquittal of his son, the Duchess says,—“It informs me how victoriously wee are com off, so that I doubt not but the Queene will take your word and mine hereafter sooner then your son's false accusers. I was almost as much consernd for him as your self.”<sup>3</sup>

Writing to the Earl from London, 12th January 1695, she refers in affectionate terms to the death of Mary, Queen of England, who died on 28th December 1694:—"Not having urett to aney of my frinds since the death of the incomprabl Queen, I cannot but begin all my letters of this

<sup>1</sup> The Earls of Cromartie, vol. ii. p. 265.

<sup>2</sup> *Ibid.* pp. 266, 267.

<sup>3</sup> *Ibid.* p. 263.

post with lamentations. You know she was kind to me, and besids had all good qualitys man or woman could have."<sup>1</sup>

The relations between the Duchess and the Earl of Cromartie were to become still more close. Her half sister, Margaret, Countess of Wemyss, who, in 1680, succeeded her father, David, second Earl of Wemyss, in his estates and honours, married, first, Sir James Wemyss of Caskieberry. By him, whom King Charles the Second created Lord Burntisland for life, and who died in 1685, she had issue David, afterwards Earl of Wemyss, and two daughters, Lady Anne Wemyss, who married David, Earl of Leven and Melville, and Lady Margaret Wemyss, who married David, Earl of Northesk.

In the autumn of the year 1695, the Duchess was visited by her sister, who had then been a widow about ten years. The Countess, in writing to her daughter, Lady Anne Wemyss, the wife of David, Earl of Leven, from London, 21st October [16]95, along with other gossip, gives some particulars about her sister, the Duchess :—

“I hope you will grow stronge, and be better and better with every child till all your twenty be borne that you used to wish for. My dear, I can tell you noe news, but that you have in the publick letters, save quhat wee are doing here, which is somtymes to waitt on the Princess, and wee goe seldome abroad, for wee have but few acquaintances yet, which I think noe loss. Your sister and brother are very busie learning. I leave it to themselves to tell you what. . . . My sister Buccleuch is still in the contrey. She has wean'd her daughter, who, they say, is a very bony babe, and so is my Lord Dalkeith's sone. The King is to be att Culford in his prograss, and my Lord Cornwallis is so much taken up with the new elections for a Parliament, that it will keep them some weeks longer in the contrey.”<sup>2</sup>

Having remained a widow for fifteen years, the Countess of Wemyss

<sup>1</sup> The Earls of Cromartie, vol. ii. p. 267. The death of Queen Mary is thus noticed in a contemporary journal :—“1695, January 7.—On Friday the 28th of December, before one in the morning, the Queen dyed at Kingsintown, having been some few dayes ill of the

small pokes.”—[Memorandum Book of Mr. David Scrimseour of Cartmore. MS. in Buccleuch Charter-room.]

<sup>2</sup> Original Letter at Melville House. The letter does not bear the name of the writer, nor the person to whom it was addressed.



married, in 1700, the Earl of Cromartie, at that time Viscount Tarbat, who was then in the seventieth year of his age. The marriage caused much amusing talk among their friends, the qualities of both being very marked. Lord Tarbat had been previously corresponding with the Duchess Anne; but the Countess of Wemyss had made no reference to the approaching marriage in her letters to her. In reference to this marriage the Duchess thus writes in a letter to the Earl of Leven, dated London, 28th March [1700]:—"Tarbat wrett a bantring letter to me, and I wrett just such another to him; but my sister did not naim him in her letter to me, so I shall make no serious answer to him till she owns it, for I think it should have bene from her self that I should first have heard of it. Every body here that knows them both laughs at it. She should not pretend her childreu are undutifull, for no body believes they are so."<sup>1</sup>

At last the Countess of Wemyss, in writing to her, simply referred to the marriage in the end of her letter. Offended at this laconic courtesy, the Duchess wrote, in a letter from London, 9th May 1700, to her nephew, David, Earl of Leven—"At last I had a letter from my sister Wemyss, dated the 28th of Aprill; the last line of it was she belived she should be marryed to-morow or next day. A hansom warning for a sister of a thing of that consequence; it shows such kindnes to me, but I shall hear the busines is over befor I wish joy. I did answer all the letters he<sup>2</sup> wrett of it to me, but I sopus did not lick my letters, so say'd they miscarey'd."<sup>3</sup> At a later date she writes to him:—"Pray lett me know how matters gos with the new marid copell. I have heard nothing of them since the first time my sister was pleas'd to inform me of her belife that she should be mareyd next day."<sup>4</sup>

After the Union between the kingdoms of Scotland and England, the Duchess gently censures Lord Cromartie, who had been a zealous promoter of that measure. In a letter to him from London, 23d July 1708, she writes:

<sup>1</sup> Original Letter at Melville House.

<sup>3</sup> Original Letter at Melville House.

<sup>2</sup> The Viscount of Tarbat.

<sup>4</sup> *Ibid.*

—“I must say my Lady Northesk gives you a just reproch, for you had a great strok in this unlucky Union, and ought not to be forgiven till it is made better. Then you shall have a free pardon from all good Scots people.”<sup>1</sup>

About the year 1712, the Duchess thought it necessary that she should acquire for herself a house in the city of Edinburgh, although, in her earlier visits to Scotland, she did not care for one, being so near while at Dalkeith. Her desire for an Edinburgh house arose some years after the death of her half-sister, the Countess of Wemyss and Cromartie, who, on her marriage to Lord Cromartie, was infested in his house in Edinburgh. In the disposition by him in her favour, the house is described as that upper lodging in the back land on the south side of the “Land Mercat,” in Macmorran’s Close, as then possessed by Viscount Tarbat and his Countess, and the cellars and vaults belonging thereto ; and also a fore-tenement of land on the south side of the High Street.<sup>2</sup>

From her visits to her sister and her husband Lord Cromartie, while the house was occupied by them, the Duchess had known the house well ; and thinking that it would suit her, after the death of her sister, the Duchess made a summary acquisition of it from Lord Cromartie in this way : He owed her a sum of money, which was secured by his bond. The Duchess, in a letter addressed to the Earl of Cromartie “at his house in Edinburgh,” and dated London, August 7 (*circa* 1712), proposed to exchange his bond to her for his house, in the following terms :—“I think it verie proper I should have a hows in Edinburgh, and therfor if it be most convenint to you to pay me this way you propos, I shall be verie glad to make a bargin with you, and in order to it I have here inclosed the summe which your bond, I belive, now amounts to.”<sup>3</sup> In the same letter the Duchess writes, although on another subject than the purchase of the house, “All the world are for themselves, so I am for me.”

<sup>1</sup> The Earls of Cromartie, vol. ii. p. 272.

<sup>2</sup> *Ibid.* p. 457.

<sup>3</sup> *Ibid.* p. 278. The “summe” referred to

evidently means a note of the amount of the bond, and interest thereon, and not the money specified in the bond.

The Duchess was proud of her own old castles and mansions. On her visit to Dalkeith in 1701, she made great alterations and repairs on the ancient Castle of Dalkeith ; and, afraid of being accused of her extravagance in marble, she wrote that it was to show that she did not despise her old castle. The aspect of the castle was entirely changed by the alterations made by the Duchess ; and the present mansion of Dalkeith is very much the same as it was altered and left by her. From her desire to be treated as a princess, and to have her castle correspondingly known as her palace, it was soon after her visit to Dalkeith in 1701, and the alterations made on it, that the old castle came to be called a palace, a name which, with varying intermissions, has continued to the present day, and it is popularly known as the palace, although the origin of the name of palace is not generally known.<sup>1</sup>

The confidence which the Duchess placed in the judgment of Lord Royston has already been referred to. He was for many years one of her Commissioners for letting lands in Scotland. The Books of Sederunt show that he acted in that capacity from 1711 till 1731. A considerable number of the Duchess's letters to him are preserved. She assures him that though early removed from Scotland to England, where she resided during the greater part of her life, she ever retained a warm affection to the land of her birth. "The Scotts hart is the same I brought to England, and will never chang, as I find by long experience." Having informed him of the marriage of her grandson, Francis, Lord Dalkeith, to Lady Jane Douglas, sister of the Duke of Queensberry, she exclaims, "God bliss Francisc, and give him sones and no daughters !" Having abundance of deer to spare, she tells him that, if he loved venison, he would eat it oftener ; and she took it very ill that he thanked her for the present of a buck, when he knew he might command as many as he pleased. Writing to him with instructions as to the appointment of chamberlains and letting her farms, the Duchess remarks :—

<sup>1</sup> "Accounts of Mason-work wrought at 1703, and ending in 1709," in Buccleuch the Palace of Dalkeith, beginning in the year Charter-room.

“I have ever found the best gentlemen to be the worst tenants, for which reason I have of late excluded all such, as well as the chamberlains. Whoever told you I should employ none in my service but gentlemen of influence in the country told you their mind, but not mine, and I desire to think for myself.”

Lord Royston and his father having written to the Duchess requesting her concurrence and help towards the maintenance of an Episcopalian clergyman at Dalkeith, she replied as follows:—

London, 6th April 1714.

MY LORDS,—Your regard for those religious meetings of the Church of England that are setting up amongst you, and your recommending to me the contributing towards the support of that at Dalkeith, and encouraging Mr. Fowlis, there Episcopalian minister, does occasion your Lordships this trouble to cause an impartial enquiry to be made what contributions or encouragement Mr. Fowlis may at present have from his congregation, and what may be further needful for me to give; and then upon his giving testimony of his affection to the Queen and civil government, and on his and his people's behaving themselves quietly and peaceably towards others, I shall willingly contribute to the minister's encouragement and the upholding of his congregation, and refer it to, and will acquiesce in, your Lordships ordering Innes, my chamberlain, what and how to give it him from time to time during the pleasure of

My Lords, your Lordships' obliged humble servant,

BUCCLEUCH.

To the Right Honourable the Earl of Cromartie and Lord Royston, Edinburgh.<sup>1</sup>

The ecclesiastical settlement at the Revolution had made an alteration in the exercise of patronage in the Church of Scotland, giving to the congregation the right of approving or rejecting the presentee. On the occasion of a vacancy in the church at Dalkeith, the Duchess writes to the Earl of Cromartie asking his advice regarding a Mr. Mein, who had been recommended to her, “for,” she adds, “if I may not absolutely chous, I would, however, have the best of the gaung.”<sup>2</sup> Of the appointment of a minister

<sup>1</sup> Original Letter in Buccleuch Charter-room.

<sup>2</sup> The Earls of Cromartie, vol. ii. p. 261.



for Hawick church, her Grace gives her opinion that "of all the candidats for Hauick, I am for the modrat man." Having made arrangements for the payment of an assistant to the minister at Dalkeith, her Grace writes to Lord Royston: "I have fixed a sume for the minister's healper at Dakith as you proposed, so the kirk will love uss both, but I fear will not reckon uss of the number of the godly."<sup>1</sup>

In the appointment of schoolmasters the Duchess also applied to Lord Royston for his advice, expressing at the same time her own opinion of the candidates and the qualifications required. She asks him on one occasion to undertake "a troublsom busines for my ease, that of placing a scholl master at Dalkeith. Thuss much I say for myself; and now I am to wrett your father's words, who is sitting by me—Choos one qualified for the place as a scholar, and one who is not high flown upon any account."<sup>2</sup>

In purchasing land, which she latterly did to a large extent, the Duchess often communicated her intention to Lord Royston, and solicited his advice. Having heard that Scott of Harden was willing to sell an estate in the Forest which, from its situation, her Grace considered an eligible purchase, she wrote to Lord Royston, informing him that she "greined" (longed) to hear more of the proposal. But in making additional purchases of lands it would be necessary for her to pause, that she might not imprudently involve herself in debt. Her jointure, which had fallen into arrear, but was promised in time, she intends to invest in land, and remarks, "I own I should be glad to buy Scotts land with English money," which was no doubt accomplished, as in a subsequent letter she writes: "The Queen has been verie kind to me, for it is not often that fourteen thousand pounds are all payed at one time."<sup>3</sup> The attachment of the Duchess to her family inheritance, and her determination to preserve it intact, are mentioned by George Leslie, who, writing to Lord Royston by her Grace's command, says that she "will never part with one inch of ground that ever did belong to it. However, this is not to tye her Grace up from giveing what she thinks proper, either by way of charitie

<sup>1</sup> Original Letters in Buccleuch Charter-room.

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*



or as a reward to those who have done her service, but that such gifts and rewards shall always be in gude hard siller, without touching on her paternal estate."<sup>1</sup> Of the sheep on her lands, she boasts that few could equal her in furnishing St. Boswell's Fair with them.

The most important additions made by the Duchess to the Buccleuch estates were the lands and lordship of Melrose and the barony of Smeaton. The lordship of Melrose was acquired for the price of £18,399, 15s. 3d. in the year 1722 from Thomas, Earl of Haddington, whose title of Earl was at first Melrose, till he obtained a change to Haddington. The lands of Smeaton were purchased in 1707 from Sir James Richardson. A disposition was also made by Sir James Richardson of five colliers and twelve bearers to work the Smeaton coal, the colliers at that time, like the salters, being fixed to the land and disposed of with it.

New entails were made by the Duchess as well of her old estates of Buccleuch as of the properties which were acquired by herself in the course of her long life. Her Grace, with consent of her grandson, Francis, Earl of Dalkeith, and his curators, made a procuratory of resignation of the earldom and estate of Buccleuch for new infeftment to herself in fee, and failing of her, to her grandson, and the other heirs therein mentioned. That procuratory bears date 14th December 1714, 29th January, 2d and 28th February, and 14th March 1715. The Duchess also made a bond of tailzie of the earldom of Buccleuch and other lands therein mentioned, dated 18th January 1715. An instrument of resignation was expedited on 22d June 1715, and a Crown charter followed thereon on the same date. The Duchess and the Earl of Dalkeith were infefted on the 17th of September in the same year.<sup>2</sup> These deeds related solely to the old estates of Buccleuch.

To the extensive properties acquired by the Duchess by purchase, her Grace provided her great-grandson, Francis, Lord Scott of Whitechester, eldest son of Francis, Earl of Dalkeith, and the other heirs of tailzie therein

<sup>1</sup> Original Letter, dated 25th December 1731, in Buccleuch Charter-room.

<sup>2</sup> Buccleuch Inventory of 1750.

mentioned, by bond of tailzie dated 13th April 1731, and registered in the Register of Entails on the 3d, and in the Books of Council and Session on the 18th February 1748. That entail included the barony of Eastpark, formerly called Smeaton, the lands of Nether Newhall, otherwise called Burnfoot, the lands of Easter and Wester Hassendeans, Aberlosk, Tweedhope, the lordship and regality of Musselburgh, the lands of Easter and Wester Kirkhopes, Earnhaughs, Deadhopes, Howford, Fauldshope, Gilmanscleugh, and others therein mentioned. Francis Lord Scott of Whitcheater was infefted in these lands on 28th April and 3d and 4th May 1731.

On the same date as the entail last mentioned, the Duchess also granted a bond of provision to Mr. Charles Scott, her great-grandson, second lawful son to Francis, Earl of Dalkeith, for £20,000 sterling, out of the lands mentioned in the bond of tailzie of 1731. A separate entail was also made by the Duchess of the lordship of Melrose in favour of Lady Isabella Scott, daughter of her marriage with Lord Cornwallis. On the death of Lady Isabella, unmarried, in 1748, Melrose was inherited, in terms of the limitations of the entail, by Duke Francis, grandson of the Duchess Anna.

In consequence of the forfeiture of Monmouth, the lands and barony of Hawick, in which he was infefted, became the property of King James the Second, who, by a new charter, dated 16th April 1686, granted them to Anna, Duchess of Buccleuch and Monmouth, her heirs whomsoever, and separated these lands from all earldoms, lordships, etc., to which they were formerly annexed, and incorporated the same into the free barony and regality of Hawick, to be held blench of the Crown. The King also disposed to her all bonds and other securities in favour of the Duke of Monmouth, and all his moveable or real estate which, by his forfeiture, had fallen to the Crown. This charter was ratified by the Estates on 15th June 1686.<sup>1</sup> The office of heritable bailie of the regality of Hawick had belonged to the Duchess, but having been allowed to fall to the Crown through her not taking the test appointed by an Act of Parliament of King Charles the

<sup>1</sup> Original Ratification in Buccleuch Charter-room. Acts of Parliament, vol. viii. p. 617.

Second, the office was, on 22d October 1686, granted to Walter Scott of Alton.

The Duchess possessed within the shire of Dumfries nearly the whole of the five parishes of Staplegorton, Wauchope, Ewis, Cannobie and Westerkirk. As these parishes lay contiguous to her possessions in Roxburghshire, the lands pertaining to the Duchess were, on 4th September 1672, disjoined from the shire of Dumfries and annexed to the shire of Roxburgh.<sup>1</sup> At a subsequent period, a decret of annexation was obtained of the parishes of Westerkirk, Staplegorton, and Wauchope, and the erection of a new kirk in Eskdalemuir, called Langholm.<sup>2</sup>

The latter will and testament of the Duchess was made at Westminster, 16th March 1723. Her grandson, Francis, Earl of Dalkeith, was appointed sole executor and universal legator and intromitter with the whole of her personal estate in Scotland, burdened with all debts owing at the time of her decease either in Scotland or England, and the legacies mentioned in her will. To Henrietta, Countess of Dalkeith, her much beloved and esteemed daughter, she bequeathed £1000 sterling; to Lady Isabella Scott £300 sterling, in addition to the provision to her in the English will; and to Henry, Earl of Deloraine, £5 sterling, he having already received £20,000, in terms of the bond of provision granted to him during the life of the Duchess. Any residue of her personal estate in Scotland, after paying debts and legacies, was to be held as an additional security for the bond of provision of £15,000 granted to her grand-daughter, Lady Charlotte Scott. The personal estate of the Duchess in England was bequeathed to her daughter, Lady Isabella Scott.<sup>3</sup>

After a long, useful, and honoured life, the Duchess of Buccleuch died on 6th February 1732, at the mature age of nearly eighty-one years. Her remains were placed with those of her ancestors in the family vault of the

<sup>1</sup> Acts of Parliament, vol. viii. p. 91.

<sup>2</sup> Decreet, dated 26th November 1701.—Buccleuch Inventory of 1750.

<sup>3</sup> Vol. ii. of this work, p. 327.

old Church of Dalkeith. It was by her own desire that this church was made her resting-place. Her grandson and successor, Duke Francis, writing from London, February the 8th, 173 $\frac{1}{2}$ , intimates the death of "my Lady Dutchess last Sunday, the 6th instant, between twelve and one o'clock at noon. Her Grace desired by her will to be buried att Dalkeith in a private manner, and those relations that are near and in Edinburgh to be present at her funeral."<sup>1</sup> On her coffin-plate there is the following inscription:—"Ann Scott, Dutchess of Buccleuch, Countess of Dalkeith, Baroness Scott of Whitechester, Eskdale, and Tindale. Died Febry. ye 6, 173 $\frac{1}{2}$ , aged 82 years."

Of her marriage with James, Duke of Monmouth, there was issue four sons and two daughters.

Of the marriage of the Duchess with Lord Cornwallis there was issue one son and two daughters.



<sup>1</sup> Original Letter in Buccleuch Charter-chest.

Buckuch & Mummuk

Buckuch & Mummuk

From Buckuch and Cornwallis  
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