

'Sketches of Early Scotch History' (1861)

The Morton papers - extract

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THE literature of Family History, which went down at the French Revolution, has come to life in our time, but in a somewhat different shape. We are not satisfied now with a detail of pedigree, and an array of its proofs. The literature that was confined to glorifying a family does not satisfy an age that pretends to higher views; and we demand in such books – if they deal with anything short of great historical families – either a display of personal character, and the interest of personal adventure, such as Lord Lindsay has combined so successfully in his *Lives of the Lindsays*, or else illustrations of social history, of the character and spirit of the age, and of the customs and condition of the people at various times.

Some collections of family papers, lately printed either for private circulation or for limited clubs, furnish matter both of public and domestic history not to be found elsewhere. First in the list comes the great name of Douglas.

The Register of the more ancient writs of the Douglasses of Dalkeith, Earls of Morton, which is probably the oldest chartulary of lay possessions in Scotland, consists of two parts; the older written soon after the middle of the fourteenth century, and the latter about its close. Together they contain about three hundred charters. There is also preserved at Dalmahoy an immense mass of original charters and family papers, which have been used to some extent for a book entitled *Registrum honoris de Morton*, printed for the Bannatyne Club.

Since the time of the old Hume of Godscroft, it is surprising how little of the attention of Antiquaries has been directed to the early pedigree of Douglas. Contented with their fabulous

original and the real splendour of their historical period, the extant families of Douglas have not sought to give that precision to their descent which modern accuracy demands, and which can only be drawn from charters or authentic records. When any one qualified for the task shall be induced to undertake it, he will find some of his most valuable materials in the charter-room of Dalmahoy.

The historian of the house of Douglas has said of his subject, "We do not know them in the fountain, but in the stream; not in the root, but in the stemme; for we know not who was the first mean man that did by his virtue raise himself above the vulgar."¹ Mr. Chalmers, with no weakness for romance, thought he had discovered "the first mean man" of the family in a certain Theobald the Fleming, who had a grant of land on the Douglas water, from Arnold, Abbot of Kelso, in the middle of the twelfth century.² It has been shown elsewhere that that was not the original land of the Douglas family, although upon the bank of the same river, and that there is no proof nor any probability of William of Douglas of the twelfth century, the undoubted ancestor of the family, being descended of the Fleming who settled on the opposite side of his native valley.³ These charters correct another mistake of the author of Caledonia, who says, that no person of the first six descents of the Douglasses had obtained one grant from the Crown – ascribing their rise to greatness solely to the services of the "good Sir James."⁴ The ancestry of the first William of Douglas, indeed, is not to be found in a Scotch charter-chest. Like the other knightly and baronial families of the Lowlands, he probably drew his origin from some Norman or Saxon colonist, who in that age of immigration and fluctuating surnames, sunk his previous style, perhaps some changing patronymic, like those of the ancestors of the Stuarts and of the Hamilton; though little dreaming how illustrious was to become the name which he adopted from his settlement on the bank of the Douglas water.

William of Douglas, who is known at the conclusion of the twelfth century, and who appears as a person of some consequence during the whole reign of William the Lion, had

six sons – Erkenbald or Archibald, his heir; Bricius, a churchman, prior of Lesmahagow,⁵ who in the year 1203 was preferred to the great Bishopric of Moray; and four others, who seem to have been provided for out of their brother's northern benefice.

Erkenbald of Douglas is found witnessing charters before the end of the twelfth century, and is known in transactions as late as 1228. This personage attained the dignity of knighthood, and acquired lands beyond the original territory in Douglasdale.⁶

Several of the charters of the Morton Register throw light upon those earlier generations of the family, even before it had become historically illustrious. Thus, at the beginning of the thirteenth century, Malcolm Earl of Fife granted to Archibald of Douglas, son of William of Douglas, the land of Levingston and the land of Hirdmanston, both formerly held by William of Kilmaron; and King Alexander II. confirmed that charter before the year 1226. It is remarkable that, although the family had been for a century before in possession of the lands from whence they derived their name, there is no *charter* evidence of any earlier property held by them than these grants of Levingston and Hirdmanston.⁷ One of the witnesses to the Earl of Fife's charter, Freskin, Dean of Moray, marks the early connexion of the Douglasses with that diocese, to which they had already given a bishop, and perhaps also with that great family of the north, the De Moravias, with whom they had arms in common, and of whom old Wyntoun says, –

"Of Murrawe and the Dowglas,
How that thare begynnyng was,
Syn syndry men spekis syndryly
I can put that in na story.
Bot in thare armis baith thai bere
The sternis set in lyk manere.
Til mony men it is yhit sene,

Apperand lyk that thai had bene

Of kyn be descent lyneale

Or be branchis collaterale."

The next Sir William of Douglas was probably the son of Sir Archibald, but this step of the pedigree is not proved otherwise than by his inheriting the family lands. He lived till about 1276.

It is hardly on better evidence that it is asserted that Andrew, the founder of the House of Dalkeith and Morton, was brother of this Sir William, and consequently son of Sir Archibald of Douglas, Lord of Douglas,⁸ or that Sir James, who had charters of Kincavill and Caldor-cler, and took his style from Lothian – *de Laudonia* – and who died about 1320, was the son of that William who was undoubtedly the son and heir of Andrew.

Here, however, the doubts and difficulties of the pedigree cease. Sir William of Douglas, "of Liddesdale," who flourished during the reigns of Robert I. and his son, is described in charters as the son of the late Sir James Douglas of Lothian. Supporting Bruce along with his kinsman and chief, "the good Sir James" of Douglas, he received royal rewards for his service, and transmitted to his nephew Sir James, besides the territories which had got for the family the designation "of Lothian," extensive lands in Tweeddale, the old Graham lordship of Dalkeith, and the great territories of Liddesdale, with the valleys of Esk and Ewys forfeited by the De Soulises and de Lovels – and, as if for the express benefit of genealogists – left an entail calling to his succession, in their order, the five sons of his brother John.⁹

The eldest of these, Sir James Douglas, a man of enormous territories and great real wealth, is the personage whose transactions occupy the greatest space in our chartulary. With his wife Agnes of Dunbar, daughter of "Black Agnes," the heroic Countess of Dunbar, he got not only the lands of Mordington, Whittingham, and a territory perhaps not so tangible in the Isle of Man, but also by royal grant for her life, *pro apparatu et amictu ipsius*, the incredible sum of 1000

marks a year, to be levied out of the customs of Aberdeen and Haddington. Hitherto the family had taken their designation from their castle of Dalkeith, or from Liddesdale, though sometimes styled popularly "of Lothian;" but a grant from his brother-in-law George Earl of Dunbar, of the lands of Morton in Nithsdale, eventually changed their style and title.

The marriage of the daughter of Sir James of Douglas with Sir John of Hamilton, Lord of Cadyhow, was arranged by an indenture of 1st November 1388, the original of which, still preserved at Dalmahoy, is so curious in its provisions that it has been thought proper to print it translated in the [Appendix XIII](#). The seal appended gives the earliest coat-armour that is known of any of the name of Hamilton.¹⁰

Sir James of Douglas showed his munificence to the Church during his life as well as in his latter will. Dalkeith was not then an independent parish, but part of the parish of Lasswade. Besides endowing a chapel in his castle of Dalkeith, dedicated to the Virgin and Saint John the Baptist in 1377, he founded and endowed a chaplainry in honour of Saint Nicholas in a chapel, which previously existed at the village, dedicated to the same Saint. This chapel of Saint Nicholas of Dalkeith grew by his bounty, till, in 1406, it acquired the shape of a Collegiate Church for a Provost and five chaplains with manses and full establishment, the stipends provided out of his lands.¹¹ It was not till a century after the first endowment of Sir James's chaplains, that his descendant James first Earl of Morton completed the establishment of the Collegiate Church of Dalkeith, by adding three canons endowed with the tithes of three parishes, of Newlands, Kilbucho, and Mordington.

Undoubtedly the most interesting documents among the Morton papers are the two wills of Sir James Douglas of Dalkeith, 30th September 1390, and 19th September 1392 – the oldest wills of any Scotchman known to be extant.¹² Commending his soul to God, and the blessed Virgin, and all saints, he gave his body to be buried in the Monastery of Newbattle, beside his first wife Agnes. He appointed Archibald Earl of Douglas, and Sir Henry of Douglas, his uncle,

to be guardians of his heir. He gave the half of all his free goods for his funeral, and for masses and alms for the weal of his soul; also his best horse and his arms as a funeral offering to the vicar of Lasswade. He left to James his son and heir, helmet and full arms for tilting,¹³ and his best jack and tusches, with his second-best horse – an owche with a ruby in the middle, a ring *de columna Christi*, and a cross made of the true cross – *super quam pendeat Jesus* – a relic of the hair of Mary Magdalene enclosed in silver, a circlet of gold, and a great counterfilet of gold, a silver basin with a cover, weighing £18, 2s. His best ring with a sapphire, which was his lady mother's, and which she gave him with her blessing, he left to his heir with his cordial blessing. He left him also a large quantity of silver-plate, dishes, chargers, and cups; his best bed; all his books, both those of the Statutes of the kingdom of Scotland and *those of romance*. He left to his daughter Jacoba, a circlet of gold and forty marks price; to his son John Douglas of Aberdour, all his books of grammar and logic, and ten pounds yearly until he should be provided in ten pounds' worth of land. He specially requested that the books he had borrowed might be returned to their owners. He bequeathed to the Earl of March, his brother-in-law, a ring with a ruby; to his son James his second-best belt, a pair of plates and the rest of a suit of armour for the tournament;¹⁴ to his brothers William and Nicholas, each a suit of armour; and to the former twenty marks sterling, and to the latter ten marks yearly. The rest of his arms he ordered to remain perpetually in his castle of Dalkeith. He bequeathed to John de Livingston a ring with a Saint Christopher; a chalice and missal to the Chapel of Saint Nicholas of Dalkeith; a small sum for the support of the fabric of Saint Andrews; a jewel of Saint John of the price of forty marks to the Church of Newbattle. He gave for the building of the church of Newbattle, and the wages of the masons, £23, 6s. 8d.; and twelve silver plates, weighing £18, 6s. sterling, for the use of the refectory, with other sums to the monks, to pray for his soul. He left £20 to the Monastery of Kelso, and many small sums to individuals whom he only mentions by name. To be distributed among the poor he gave £13, 6s. 8. He gave legacies to the Friars Preachers of Edinburgh and the

Minorites of Haddington. He left to Elizabeth his sister a brooch of gold; to Sir Henry his brother a small ring with a sapphire; to Sir Archibald Earl of Douglas a ring with a ruby, inscribed *Vertu ne puz auoir conterpois*; also a sapphire that purifies the blood and which has a stalk of gold; also his second best gilt cup, with a cover, weighing £8. He left to his son William a gold ring with an emerald, circumscribed with a posey beginning *Remembrance*. He directed for the weal of his own soul and of his uncle's, that all bonds of his uncle's that may be found in his keeping should be burned. An aventale and gloves of plate that had belonged to John Ker – won perhaps as the prize of some tournament – were to be restored to him. His robes of cloth of gold and silk, and his furred robes, were to be given to the church of Saint Duthac of Tain, the chapel of Dalkeith, and certain churchmen; his other garments to his poor servants, He directed the residue of his plate to be sold for the poor. He left his third-best horse, and a jewel of Saint John, that cost forty marks, to the Monastery of Newbattle, and £23, 6s. 8d. to help its fabric. He bequeathed a sum of only £26, 13s. 4d., to be marriage portions to his nieces, the two daughters of Philip of Arbuthnot. He gave £20 for repairing and roofing the chapel of Saint Nicholas, and vestments to each of the churches of Lasswade, Newlands, and Saint Fillan of Aberdour. He gave up to Robert de Livingston his maritage, which he had by gift of the King. He bequeathed to Egidia, his wife, a jewel which she had given him, *dum tamen de jocalibus ulterius non querat*. By his second will, he gave the residue of his goods, after debts and legacies, to the building and adorning of the chapel of Saint Nicholas of Dalkeith. Sir James long survived these testaments, and died in 1420.¹⁵

The alliances of this princely person were as high as Scotland afforded. His first wife (beside whom he desired to be buried in the Abbey of Newbattle) was Agnes, a daughter of the house of Dunbar; and it is doubtful if he thought he married more nobly when he took for his second, the Lady Giles Stuart, the sister of King Robert II. His eldest son he married to Elizabeth Stuart, the third daughter of Robert III. It may serve to show

how little mere titles of honour were as yet coveted in Scotland, that this family, so great in wealth and connexions, did not receive the dignity of Earl, till James, his great-grandson, having married Johan, the third daughter of King James I., was created Earl of Morton, in Parliament, 14th March 1457.¹⁶

James, the third Earl of Morton, grandson of the first Earl, having no sons, obtained a new charter of the Earldom,¹⁷ with remainder to (1.) his daughter's husband, James Douglas (afterwards the Regent Morton); (2.) to Archibald Earl of Angus; (3.) to Sir William Douglas of Lochleven; and the heirs-male of their bodies respectively.

By virtue of that settlement, the Earldom came to the Regent. After his death, and when his attainder was reversed in 1585, Archibald, the eighth Earl of Angus, became Earl of Morton; and he also dying without sons, the succession devolved on Sir William Douglas of Lochleven, the lineal male descendant of that Henry who was the fourth in the enumeration of the nephews of Sir William of Douglas in his entail of 1351. In 1368, Henry acquired the lands of Lugtoun, adjoining his father's lordship of Dalkeith; had charters of Langnewton in Roxburgh from the Stewards lords of Ochiltree; and of the castle and lands of Lochleven, which gave their style and usual designation to his descendants. He was a person of great consideration, as well as large possessions, being married to a niece of King Robert II., daughter of David first Earl of Crauford;¹⁸ and he was attached in some manner to the personal service or attendance of the unhappy Prince, David Duke of Rothesay. The descent and subsequent history of that family are well known, but they are not illustrated by the Morton Register, which is necessarily by its date confined to the charters and transactions of the Earls of the first race.

One uninitiated in the exciting pursuit of charter antiquities, cannot readily appreciate the interest with which the zealous investigator searches through a charter room like that of Dalmahoy. As each massive old chest is approached, and one after another the bolts and locks, with all their quaint devices

for puzzling the stranger, give way, and as one after another he opens the little oak drawers, and lets in the light upon their sleep of centuries, he is in constant hope of some important revelation. That small charter, no bigger than a man's hand, may remove the mystery which surrounds the origin of the race; may tell us from what château of Normandy, or from what English grange, came the ancestors of the Scotch heroes; who was "the first mean man that did by his virtue raise himself above the vulgar." Even when that expectation is disappointed, the search is not fruitless. The venerable chartulary gives the precision of record to the lives and actions of one branch of the most illustrious family in Scotland. Every chest yields something to gratify curiosity; to fill up a gap in genealogy; to correct the blunders of heralds; to throw light upon the tenure and descent of lands; the correspondence of those who could write, and documents for showing the relations of the various classes of society. It is from such materials that our domestic annals are to be written, and the public history of the country is yet to receive its truest as well as its most characteristic colouring.

However the loss of the early Douglas charters is to be accounted for, the family of Morton have been careful preservers of theirs. Besides the Chartulary written "book-ways," there are found in a little black "coffer," a number of narrow vellum rolls of about the same age,¹⁹ some containing lists of charters and title-deeds of all sorts, with reference to their place of deposit, but unfortunately (like the table prefixed to our Chartulary) without dates. One consists of a rental of part of the Morton possessions for the years 1376-8, valuable not only for the local antiquary, but as perhaps the earliest rental of lay lands in Scotland.

The house of Lochleven followed the example of their cousins of Dalkeith, and the charter-room at Dalmahoy, which now combines the united collections of both families, shows many marks of care, both in preserving and transcribing their ancient muniments.

There is a carefully written *Registrum Evidentiarum Dominorum de Lochlevin*, compiled in 1573, which commences with the first charter of Henry of Lugton and Lochleven; as well as several bundles of original writs on parchment, inartificially stitched together, and some similar *fasciculi* of transcripts of originals by the family notary.²⁰

Although our forefathers began to use their vernacular tongue in law and business documents about the end of the fourteenth century, letters of correspondence are hardly met with in Scotch repositories till the sixteenth. Even to the end of the latter century they are incredibly meagre and unsatisfactory. The writers are evidently suspicious, not only of the channels of communication, but frequently of their correspondents, whom it might be unsafe to trust with any frank expression of opinion *in writing*. Hence the constant practice in those times of accrediting the bearer to make those revelations which were not to be confided to paper. Another reason, it must be owned, impeded free communication by letter. Although education made a rapid stride just after the Reformation, and it was no longer necessary to enforce the old statute which obliged barons of substance to put their eldest sons to schools, yet it cannot be said that the classes of nobility and gentry were generally imbued with literature; and the greater number wrote as if they knew neither their own nor any other language grammatically. Many Churchmen, indeed, before the Reformation, were accomplished in all kinds of learning. Public libraries had been established, and a few distinguished laymen had already begun to form private collections of books.²¹ But subsequent to the Reformation, and on to the end of that century, there was no general taste for literature; the leading men of Scotland, and women of rank and education, still wrote in the constrained style of people unacquainted with the capabilities of their language, and for the most part not indisposed to leave their meaning obscure.

Accordingly, there is little of the interest of modern correspondence, nothing of the free interchange of sentiment,

to be looked for, in a collection like that brought together from the now united repositories of Morton and Lochleven.

There are, however, a number of State papers; letters of James V., Queen Mary and Darnley; the Regents Murray, Mar, Lennox, and Morton; heaps of letters of King James VI. before he went to England – always busy, ever meddling for good or ill in the domestic affairs of his subjects; a letter of John Knox – his fiery spirit at last burnt out, “taking his good night” of the world; letters from all the men and women of mark during that period.

Mr. Tytler was the first of our historians who sought to obtain information of events from contemporary correspondence; and his researches were confined to the public offices, while his attention had been drawn to that source too late for his earlier volumes. What he drew from thence, for the period of his later volumes, is very valuable – perhaps the most valuable part of his history. But he left unexplored many muniment rooms in Scotland, rich in genuine, authentic documents, the proper materials of history, and hitherto unused by the historian.

¹ Hume of Godscroft's *History of the Houses of Douglas and Angus*, Preface.

² *Caledonia*, I. 579.

³ See above, pp. 183, 184; Sir Walter Scott, note to the Monastery, chap. xxxvii. – *Waverley Novels*, x. 472, 473, Libr. edit. 1853.

⁴ *Caledonia*, p. 584. It can be shown that, in the year 1296, William of Douglas, the father of “the good Sir James,” besides his fief in Douglasdale, and the manor in Northumberland, held lands in six Scotch counties – Fife, Edinburgh, Berwick, Wigtown, Dumfries, and Ayr. – *Rotuli Scotiæ*, I. 24.

⁵ Lesmahagow was a cell of Kelso, and Bricius and his brother Hugo seem to have been monks of that great Abbey. – *Liber Vitæ. Eccl. Dunelm.* p. 95.

⁶ The authorities for these descents are cited in the *Origines Parochiales Scotiæ*, under the parish of Douglas.

⁷ Setting aside the authority of Boece and his fabulous Parliament at Forfar in 1061, which was attended by “Gulielmus a Douglas” – the first transaction any of the family or name of Douglas recorded by Godscroft, is the marriage of

Hugh Douglas, the son of William, with Marjory Abernethie, sister of Hugh Lord of Abernethie, in 1259. This historian may be trusted where he quotes documents. He describes the contract of marriage "which the Earls of Angus have yet extant." – *Hume of Godscroft*, p. 12.

⁸ The fact seems to rest upon their occurrence together as witnesses to a charter in favour of the monks of Dunfermline, where they are entered as *Dominis Willelmo et Andrea de Dufglas*. – *Reg. de Dunfermelyn*, p. 97.

⁹ It may be conjectured that it is to these five brothers that Froissart alludes in his most perplexing notice of the Douglasses of his day – "I have sene a five bretherne, all squiers, bearyng the name of Duglas, in the Kyng of Scotlandes house Daid; they were sonnes to a knight in Scotlande called Sir James Duglas." – *Cap.* cxlvii.

¹⁰ An earlier seal is described by T. Innes as extant in his time in the Scots College at Paris. It was of David Hamilton, in 1361, and Innes blazons it, *Super scuto tria quinquefolia*. – *Regist. Episcop. Glasg.* vol. I. Tabula, p. cxxxii. No. 297, note i.

¹¹ The curious and valuable deed, the *Magna Carta* of the College, is not preserved either in the Chartulary, or among the original writs at Dalmahoy; but the original is in the charter-chest of Kilsyth.

¹² These had been previously printed in the second volume of the Banantyne Miscellany. A much older Scotch will, that of Saint Gilbert de Moravia, Bishop of Caithness, is said to have been extant in 1636; but it is now unhappily lost. – Sir R. Gordon's *History of Sutherland*.

¹³ Along with his tilting arms, he bequeaths *unum rethe quod fuit in bombicinio meo*, – perhaps the silk dress worn over arms in the tilt-yard.

¹⁴ *Pro hastiludio de guerra*.

¹⁵ *Fordun*, xv. 32. He died of a very fatal epidemic, which the Faculty attributed to the badness of the seasons. It was called by our forefathers the *Quhew*. In our day it would have been named *Influenza*.

¹⁶ The style was declared to be derived from the lands of Morton in Caldorcler, the lands of Morton in Nithsdale having gone to his uncle Sir William.

¹⁷ Crown Charter, 1564. Ratified in Parliament, 1567.

¹⁸ A mistaken account of this marriage is given in the Peerages, where Marjory of Lyndesay is said to have married William of Douglas, instead of his father Henry.

¹⁹ One of these Rolls begins – "ROTULUS AS DOCENDUM URI LITERE DOMINI INVENIENTUR. *Imprimis in uno magno schotyll cum uno W. et una cruce super le lyd– In prima capsas,*" &c.; and then the rest are described as *in uno cofino*, or *in secunda capsas*, and sometimes in Scotch thus: "In the thred schotill of the elder cofyne."

²⁰ One of these is the letter of James I., charging the Laird of Lochleven to enter himself as one of the hostages for the King's ransom. The notary transcriber has given it the following title, showing his understanding of such mandates: "The transumpt of ane vretting send be the Kingis grace to umquhil Robert Douglas *for ryding of ane raid to England!*"

²¹ Some of these are still known to the curious by their book stamps, which were then impressed on the outside of the binding. Schives, Archbishop of St. Andrews, had his books so distinguished before the end of the fifteenth century. It has been seen that Sir James Douglas of Dalkeith counted his books among his valuables, even before the end of the fourteenth century; and his manuscripts, whether of the laws of the realm or of romance, would now be beyond price. Even after printing had brought books within the reach of moderate fortunes, we still find MS. copies in old libraries; indeed, the greater number of our Law collections continued to be in writing long subsequent to the introduction of printing in Scotland; and manuscript copies of the ponderous romances of the sixteenth century (with variations by the transcriber) are still found at Taymouth and in other old collections.