THE EARLDOM OF CAITHNESS.

By Joseph Bain, F.S.A. Scot.

This old dignity, whose origin dates far back in Norwegian and Scottish history, has had a chequered career—having been successively held by Norwegian "jarls," scions of Scottish royalty, and others, till conferred, in 1455, by James II. on the Sinclairs, who still hold it. A full and valuable account, based on the high authority of the late W. F. Skene, Historiographer Royal, and George Burnett, Lyon King of Arms, is contained in the *Complete Peerage* of "G. E. C." Mr Riddell also[1] relates the fraudulent attempt of Sir John Campbell, 1st Earl of Breadalbane, to possess himself of the title and exclude the lawful heir, and the details of the contest begun 130 years ago, between several collaterals, ending in the success, in 1793, of the Sinclairs of Mey, the stock of which the present Earl of Caithness descends.

Since that date the succession has been undisputed, till of late a new claimant has appeared in the person of the Rev. John Sinclair, of Kinloch-Rannoch, Perthshire.[2] This gentleman's descent is there made out from a Donald Sinclair, 2nd son of David Sinclair in Broynach, and uncle of Captain James Sinclair, the unlucky claimant of the earldom, who would have been successful but for his sudden death, without issue, on 11th January, 1788; followed (it is asserted) by that of the new claimant's ancestor, William Sinclair (son of the above Donald), in December 1788; whose descendants till now have forborne their claim.

There are, however, some material difficulties to be surmounted by this new claimant. (1) Mr. Riddell (*sup. cit.*, p. 618) expressly says,

[1] *Inquiry into the Law and Practice of Scottish Peerages*, 1842 (pp. 29-30, 608-21).
[2] *Scottish Notes and Queries*, vol. xi., pp. 189-90, with a pedigree.

that Captain James Sinclair (who died 11 January 1788) and his father, had "no surviving younger brothers, or male heirs through them"; and also (p. 620), that Sir James Sinclair, of Mey, who became 12th Earl, proved "by parole evidence the extinction of this Broynach branch." These statements are on the authority of the Minutes of Evidence in Sir James Sinclair's claim, and, if they are correct, they cut the ground completely from this new claimant's case, his alleged ancestor, Donald, being of that extinct branch. Even if Donald's existence as a lawful son of Broynach were proved, or that his son William left lawful issue, a crucial point, in view of the alleged extinction—there is (2) another formidable bar to his descendant's case, viz., the decision of the Committee of Privileges of the House of Lords, on 4th March 1793, in favour of Sir James Sinclair, of Mey, as 12th Earl. This, fortified by the lapse of 105 years, brings the question under the head of *res judicatæ*, and thus, according to English practice, well-nigh impossible to re-open. Till these difficulties are removed, the case of the present (17th) Earl seems unimpeachable.

I offer these remarks, as the question affects an interesting historical title, on which, with others, I have had to make considerable researches in the Public Records, when editing the *Calendars of Documents and State Papers of Scotland*; and would, therefore, deprecate hasty conclusions, or proceedings which may only result in unnecessary expense to the present Earl, in defending his status against what appears a groundless attack. This has been notoriously the case in recent futile attempts to dispossess the holders of several Scottish Peerages, among others, that of Lovat—twice assailed by a man without means to pay Lord Lovat's costs when defeated.