
THE ABERNETHY PEDIGREE.

By Sir James Balfour Paul, Lyon King of Arms.

In the January number of *The Genealogist* a paper appeared on the Pedigree of the Abernethy Family, professing to correct the many errors which occur in the account given in *Douglas' Peerage*, and to supply additional information. While there are points both of use and interest in the article, the writer has unfortunately approached the subject without being fully equipped for his task. He is evidently, for instance, ignorant of the fact that the late Lord Saltoun included an excellent notice of the descent of the Abernethies in his work on *The Frasers of Philorth* (privately printed 1879). For the period at which it was written nothing could well have been better: since that time, however, owing to the number of records and chartularies which have been rendered accessible, considerably more information may be obtained as to the family, and Lord Saltoun's pedigree may be added to and corrected in several ways. May I also be allowed to point out that the writer of the article above referred to, detracts in a great degree

that the matter is not settled "because one Mr. Round can take the ancestry of the Fitzalans back to Alan of Dol in Britanny in 1086": for "Banquo and Fleance lived, according to Scots history, before 1086." It can scarcely be necessary to say more than that Banquo and Fleance were, on the contrary, the traditional grandfather and father, respectively, of Walter (Fitz Alan) the first Steward, who died in 1177.

[1] *Studies in Peerage and Family History*, p. 136.

from the usefulness of his paper by neglecting in most cases to give the authorities for the various statements which he makes. In a genealogical paper it is of the utmost importance that the reader should be in a position to test for himself the accuracy of the different facts recorded. In the following pages I have attempted to set down all the information I have been able to gather about the Abernethy descent. It is, perhaps, too much to hope for that every detail in the pedigree will ever be cleared up beyond possibility of doubt; meanwhile the available facts may be put on record, and some future investigator may in his turn be able to add to, or if necessary, correct them. The one great thing in all these studies is to get at the truth, and I make this small contribution to the genealogical history of the family of Abernethy not in any spirit of disparagement to the efforts of previous writers, but with the sole view of trying to elucidate a descent which is in some points rather obscure.

The actual origin of the Abernethies cannot be stated with any certainty. Lord Saltoun gives it as his opinion that in the twelfth century its representatives occupied the position of Lay Abbots of the Culdee Monastery of Abernethy, in Strathearn, and that it may, therefore, be concluded that they were not among the Saxon or Norman immigrants who, at various periods, entered Scotland from the South, but were descended from some ancient Pictish or Scottish source, or from some adventurous early Scandinavian settler from the North. Be this as it may, the first person of the family of whom we have any record is Hugh, who lived during the reigns of Alexander I, David I, and, perhaps, Malcolm the Maiden, but seems to have died about the middle of the twelfth century (*Reg. Priorat. S. Andree*, pp. 130, 132).

Orm de Abernethy, styled son of Hugh, probably succeeded his father as Lay Abbot of the Monastery. He must have been born during the first half of the twelfth century, for he occurs as witness to a charter by Ernulphus or Arnold, Bishop of St. Andrew's, granted before 1164, as Herbert, Bishop of Glasgow, another of the witnesses, died that year (*Reg. Priorat. S. Andree*, pp. 131-2). He also witnessed a charter of William the Lion (*Lib. Eccl. S. Trinitat. de Scon*, No. 34). He is the first of the family who is found bearing the territorial appellation "de Abernethy." It is conjectured that he may have given the name to the lands of Ormiston, an estate contiguous to that of Salton in the County of Haddington, though Orm was not an uncommon name in early days. He died probably between 1180 and 1190, leaving a son Laurence, and, according to Douglas, a daughter married to Henry Rule, of Balmerino (*Douglas' Peerage*, ii, 466).

Laurence de Abernethy, styled "filius Orm de Abernethy" (*Reg. Priorat. S. Andree*, No. 318), was the last to hold the office of Lay Abbot. Towards the end of the twelfth century the King denuded him of all his revenues as Abbot, and handed them over to the Monks of the recently founded Abbey of Arbroath. He does not seem to have been deprived of the "dominium" or lordship, which he held as Abbot, and retained

his position as "dominus" or Lord of Abernethy (Skene's *Celtic Scotland*, ii, 399). His name and that of his wife Devorguile are recorded as visitors to the shrine of St. Cuthbert at Durham early in the thirteenth century: but it is not known who she was (*Liber Vitæ*, pp. 94, 112). His name also occurs frequently in charters. He granted, with consent of his son and heir Patrick, an annual payment of ten shillings out of his lands of Balnebreich to the canons regular of St. Andrew's (*Reg. Priorat. S. And.*, p. 268). He had a charter from Reginald de Waren of the lands of Coventre in exchange for those of Wester Dron (*Douglas Book*, iii, p. 349), and another from Gregory, Bishop of Brechin, of the land formerly disputed between Dunlappie and Stracathro (*Ibid.*, iii, p. 350). As a witness he appears frequently (*Frasers of Philorth*, ii, p. 16), and he sold the lands of Cultrach and others to the Monastery of Balmerino for 200 marks paid him by the executors of William the Lion's widow, Queen Ermengarde, who had founded it. So late as 1244 he accompanied Alexander II to the meeting with Henry III of England, and was one of the barons that swore to the ratification of the Treaty of Newcastle (Rymer's *Fœdera*, i, p. 248). He must have been an old man at the time of his death, which occurred shortly after this, as he was probably born somewhere between 1160 and 1170. We know that he had a son Patrick, mentioned, as above stated, in the grant of an annual rent to the Canons of St. Andrew's. But of him nothing is known save that he died before 1257, possibly, indeed, in the lifetime of his father. Laurence left several children:—1, Hugh, who is found as head of the family at the date just mentioned; 2, William, who acquired the lands of Saltoun in East Lothian; 3, perhaps Henry, who witnessed a charter in 1260 (*Reg. Priorat. S. Andree*, p. 269), and a daughter Marjory who married in 1259 Hugh "Longleg," eldest son of Sir William of Douglas. The marriage contract, dated Palm Sunday 1259, is still in existence in the form of an indenture between Sir Hugh de Abernethy, the brother of the bride, and Sir William de Douglas. Sir William Fraser, who gives a *fac-simile* of the deed (*Douglas Book*, iii, p. 1), says that it is the oldest marriage contract which has appeared in the history of any Scottish family. Marjory Abernethy is believed to have been buried in St. Bride's Church, Douglas, where a sculptured effigy in the extreme south-west angle of the church is still pointed out as hers. Sir Hugh de Abernethy occupies a distinct place in Scottish history: he was one of the party composed of the Earls of Menteith, Buchanan and Mar, together with others, who surprised the young King Alexander III at Kinross during the night of the 29th October 1257, and carried him off to Stirling (Fordun's *Gesta Annalia*, l, li, lii, lvi). He was one of the Magnates Scotiæ, appointed in 1260 (Rymer's *Fœdera*, i, 715), who in the event of the absence or death of Alexander III, were to receive the child of his Queen, Margaret, whose accouchement, when it should occur, was arranged to take place at her father's court. On the death of Alexander in 1285, six guardians were appointed to carry on the affairs of the kingdom:

three years later one of these guardians, Duncan, Earl of Fife, was waylaid and murdered by Sir Patrick de Abernethy (probably the eldest son of Sir Hugh), and Sir Walter de Percy, instigated, as Fordun (*Annals*, lxxxii) and Wintoun (*Cronykil*, ix) both state, by Sir William de Abernethy, who guarded another route by which the Earl might have travelled. The consequences to the perpetrators of this outrage were serious. Sir Patrick fled to France and died an exile: Percy was captured and summarily executed, and Sir William is stated by the historians mentioned to have been imprisoned in Douglas Castle for life. This, however, is a mistake: it was Sir Hugh, in all likelihood, as head of the family the chief instigator in the whole affair, who was imprisoned, as is shown by two documents, first, a letter from him to the King of England in 1288 requesting his intercession with the Pope respecting certain affairs to be laid before him by the bearer of the letter, the Bishop of Brechin, (*Historical Documents of Scotland*, i, p. 69), and second, an order from Edward I, dated 28th June 1291, for the transference of Hugh de Abernethy to the King's prison from that of William de Douglas, where he was confined for the murder of the Earl of Fife (*Rotuli Scotiæ*, i, p. 2). Sir Hugh would appear to have died in prison as we hear nothing more of him.

The question as to who was the wife of Sir Hugh de Abernethy has given rise to much discussion, and Mr. Joseph Bain has treated of the matter in an article in *The Genealogist* (N.S., v, p. 105). While it may not be possible to settle the point definitely, it may not be out of place to review the evidence concerning it.

There is no doubt that the name of Sir Hugh's wife was Mary or Maria, as he got a dispensation for his marriage with her in April 1281: the date at which he married her must have been not later than 1275, as it is stated in the dispensation that he had "several" sons by her (*Calendar of Papal Registers, Papal Letters*, i, p. 463). We know that Hugh was alive, on the testimony of the order for his transference from prison above quoted, till, at all events, June 1291, so that for a period of at least sixteen years, from 1275 to 1291, Maria was his wife. In 1293 there is a summons from John Baliol's Parliament, addressed to Maria, Countess of Strathearn, "que fuit uxor Hugonis de Abernethy" (*Acta Parl.*, i, pp. 446, 447), and in 1296 there are two entries ordering by command of the King the restoration of certain lands, first to "Maria que fuit uxor Hugonis Abernythe," and second to "Maria que fuit uxor Malisii Comitis de Strathearn" (*Rotuli Scotiæ*, i, p. 26). Were these Marias the same persons or not? Mr. Bain (*Genealogist*, N.S., v, p. 105) thinks they were, upon the testimony of the Rotuli, and that they were designated differently in each entry merely because the orders were to different Sheriffs, the lands, of which restoration was ordered, lying in different counties and having been acquired through different husbands; if this is the case, Maria must have married Malise, Earl of Strathearn, before 1275, because "Lady Maria, Queen of Man, and Countess of Strathearn," signed a Homage Roll to

Edward I on 24th July 1291 (*Calendar of Documents*, ii, p. 124), within a month after the last mention we have of Hugh Abernethy, and when, in all probability, he was still alive. It may be noted also that Malise, Earl of Strathearn, swore fealty to Edward only twelve days before his death, on 12th July 1291. Again, there is another oath of fealty taken at Perth on 8th July 1292, by "nobilis mulier Maria Regina de Man et Comitissa de Strathearne" (Rymer's *Fœdera*, ii, p. 571). Was this Maria, Queen of Man, and Countess of Strathearn, identical with Maria, wife of Hugh Abernethy? Before dealing with this question, however, it is necessary to quote further documents. On the 7th of April 1299 "Maria, who was wife of William Fitzwaren," petitions King Edward I for an exchange of her husband as a prisoner of war (*Calendar of Documents*, ii, 1062); on the 10th of the same month she gets a safe conduct to go and see her husband, as "Maria de Argayl, wife of William Fitzwaren" (*Calendar of Documents*, ii, 1104). That this was the same person who enjoyed the title of Maria, Countess of Strathearn, is proved by an obligation by Alan, son and heir of Sir William Fitzwaren, by which he came under certain liabilities to "Madame" Marie, Countess of Strathearn, late consort of the said Sir William. This was on 28th December 1299 (*Calendar of Documents*, ii, 1117). She must have died before 13th October 1303, as on that date her executors appointed an attorney to receive and discharge the money due to her by Alan (*Ibid.*). It is, therefore, clear that Maria of Argyle, one of the de Ergadia family, was wife at sometime or other of Malise, Earl of Strathearn, and of William Fitzwaren. The real difficulty of the case is that besides the first known Earl (*c.* 1115) there were three Earls of Strathearn in succession who bore the name of Malise. Skene, on the authority of Fordun, states that the first of these died in 1270, but Mr. Bain thinks it must have been earlier, because Malise, Earl of Strathearn, is mentioned as owing 35/ of the scutage of Wales in 1261 (*Calendar of Documents*, i, 2283), while in the same paragraph mention is made of "Malise de Stratherne and Emma, his wife," and on 13th October 1267, the names "Malise, Earl of Strathearn, and Emma, his wife," occur in another document (*Calendar of Documents*, i, 2451). This seems to indicate, according to Mr. Bain, that the two Malises thus mentioned, were father and son. It is impossible to dogmatise, but it is quite as likely that they are the same person. Magnus, King of Man, died 1265, and Alexander III annexed the island 1266 (*Chronicle of Man*). So if Emma, the wife of the Earl of Strathearn, living at that time, died within a year or so, there was still time for the Earl to marry Magnus's widow and die himself, as Fordun states, in 1270. The same historian asserts, in addition, that he was buried in Dunblane, and there are in the floor of Dunblane Cathedral two figures of a knight and his lady hewn out of one block of hard grey stone. They are said to have been discovered in the choir surmounting a leaden coffin, inscribed with the date 1271, and attributed to Malise, eighth (?) Earl of Strathearn (*Pro-*

ceedings Soc. Ant. Scot., xxix, p. 350). This may be Malise and his wife Emma, but can hardly be Maria de Ergadia. Whatever may be the exact date of the death of the first of the four Earls Malise, there can be no doubt that between 1265 and 1299 there were two Earls of that name, and we know too little about them to be sure that both of them did not marry someone of the name of Maria, the widow of the first marrying Hugh Abernethy, the widow of the second, who had previously been Queen of Man, marrying as her third husband, William Fitzwaren. One circumstance deserves to be pointed out as militating against the theory that Maria de Ergadia was successively the wife of Magnus, King of Man, Malise, Earl of Strathearn, Hugh Abernethy, and William Fitzwaren, and that is that Hugh's wife or widow is nowhere described as Queen of Man, though owing to Maria de Ergadia being so called in the case of the Earl of Strathearn and William Fitzwaren, we are enabled to identify her as being the wife of those two men. Hugh certainly married a Maria, who was at one time or other Countess of Strathearn, but our information does not at present go so far as to enable us to say positively of which Earl she was the wife.

Sir William Fraser states in his *Douglas Book* (i, p. 83) that Sir Hugh's widow was Mary, daughter of John Comyn, of Badenoch, one of the Regents, and that she was in 1293 the wife of Malise, Earl of Strathearn, and he quotes in support of his assertion the summons from Baliol's Parliament referred to above, and which styles a certain Maria, living in 1293, "Countess of Strathearn que fuit uxor Hugonis de Abernethy." But nowhere in the proceedings of Parliament is it averred that Maria was a daughter of John Comyn, of Badenoch. In all probability Sir William Fraser took this piece of information from *Crawfurd's Peerage* (*sub voce* Strathern, p. 467), but here again there is no identification of the Maria Comyn said to have been the wife of Malise, Earl of Strathearn, with the Maria who married Hugh Abernethy.

Hugh Abernethy left a son Alexander. In 1292 his widow, Maria, was summoned (*Acta Parl.*, i, p. 446, above quoted) to declare whether she knew of anything to prevent Alexander, the son of Hugh de Abernethy, from obtaining possession of the lands of Ballintrey and others. In the same Parliament (*Ibid.*, p. 447) his lands were given in ward to Alexander de Menteith, so that as he was not of age in 1292, he must have been born subsequently to 1272. At the same time he was not a mere child, as he swore fealty to Edward I 10th July 1291 at St. Andrew's (Rymer's *Fœdera*, i, p. 570). He opposed Bruce in the war of Independence, deserting the national party, perhaps, as Lord Saltoun suggests, on account of the enmity of many of the Scottish nobles which his father's crime had provoked. He became liegeman to Edward I, by whom he was favoured and trusted, and to whose interests and those of his son, Edward II, he steadfastly adhered during his life. When Robert the Bruce succeeded in establishing his authority as Scottish King, the possessions of Sir Alexander Abernethy

were declared to be forfeited, and he became to all intents an Englishman. He was afterwards largely employed by the English King in his diplomatic service, and we read of him being sent on several occasions as Ambassador to France, and in 1313 he visited the Papal Court in the same capacity (Rymer's *Fœdera*, iii, p. 436). His death probably occurred shortly after 1315, in which year he witnessed a charter granted by the Countess of Atholl (*Antiq. of Aberdeensh.*, ii, p. 313). His wife's name is unknown: their only issue were two daughters, both of whom married and were the cause of bringing into the arms of many Scottish families the quartering so frequently met with and so distinctive of Abernethy descent:—*Or a lion rampant gules, debruised by a ribbon sable.*

The eldest daughter Margaret married John Stewart, Earl of Angus, a papal dispensation having been granted for that purpose in 1329 (Andrew Stewart's *Hist. of the Stewarts*, p. 430). She had a son Thomas, whose daughter Margaret married first Thomas, Earl of Mar, and not long after his death, which occurred about 1373,[1] had a son by her brother-in-law William, Earl of Douglas, whose wife was a sister of her first husband. This son was George Douglas, afterwards the first of the Douglas Earls of Angus, and on the resignation of the lands by his mother the Lordship of Abernethy and other large possessions passed to him and his successors. (Fraser's *Douglas Book*, ii, 17).

The second daughter Maria married, first, before 1320, Sir Andrew de Leslie, son of Sir Norman de Leslie, as is proved by an indenture between Andrew de Leslie and Mary, his wife, as heirs of the deceased Sir Alexander Abernethy on the one part and William Lindsay, Rector of Ayr and Chamberlain of Scotland, on the other part, whereby Sir Andrew obliged himself to infeft Sir William Lindsay in twenty-four merks of land in the tenement of Cairney, dated at Dundee 19th June 1317 (Fraser's *Douglas Book*, iii, p. 391). Sir Andrew Leslie must have died before 1324, as in that year Mary Abernethy, his wife, or rather widow, married Sir David Lindsay, of Crawford, ancestor of the Earls of Crawford. On 4th December a Papal dispensation was procured for the marriage of David de Lindesay and Mary, daughter of Alexander de Abernethy, they being related in the fourth degree (*Calendar of Papal Registers, Papal Letters*, ii, p. 241). Lord Saltoun in his *Frasers of Philorth* states that there were three daughters of Alexander de Abernethy, and that the wives of Leslie and Lindsay were two different persons: but though the occurrence of the same Christian name amongst brothers and sisters is by no means unknown, it is out of the question to conceive that of three girls two of them should be called Mary.

With these daughters then, the eldest male line of the Lords of Abernethy having become extinct, the representation devolved upon the representative of Sir Patrick Abernethy's second son, William of Saltoun. About him not much is known. He granted two merks out of the profits of his mill in Ulkestone, in Lauder-

[1] So Sir William Fraser says, but "G.E.C." in the *Complete Peerage*, gives the date as between 20 June 1376 and 22 July 1377.

dale, to the Abbey of Dryburgh in 1273 (*Cart. Dryburgh*, No. 175). He was, as has been shown, involved in the murder of the Earl of Fife, and may have been imprisoned in Douglas Castle, but, if so, was probably dead before 1291, otherwise he would, in all likelihood, have been included in the order previously referred to transferring Sir Hugh to the royal prison. He was certainly dead in 1296, for his widow Margaret received a pension from the family estates by order of Edward I (*Rotuli Scotiæ*, i, p. 26).

His son, William de Abernethy, swore fealty to Edward I in 1296 (*Ragman Roll*): he served on an inquest at Berwick in the same year (*Calendar of Documents*, i, p 824 [2]). He joined the standard of Robert the Bruce, and was one of the Scottish Barons who sent from Arbroath the celebrated letter to Pope John XXII, asserting the independence of Scotland. It may be inferred that he enlarged the donation of two merks from the mill of Ulkestone made by his father to the Monks of Dryburgh, into a grant of the whole mill, for though the charter is not extant, it was confirmed by his son and successor. He left two sons—1, William; 2, Laurence.

Sir William Abernethy, third of Saltoun, was at the battle of Halidon Hill in 1333, from which he succeeded in escaping. He got a grant of the manor of Rothiemay from David II in 1345 (*Charter in Philorth Charter-room*). His confirmation of his father's grant to the Monks of Dryburgh above mentioned, must have been made, as Lord Saltoun points out (*Frasers of Philorth*, ii, 31), not later than 1346, and his death probably took place not long afterwards. It may be noted that Dr. Wallace James in his article in the January number makes this William and his brother Laurence, sons of Sir William, first of Saltoun, eliminating therefore one of the Williams altogether. There exists, no doubt, a charter of the lands of Maxpoffle to the Abbey of Melrose, by Laurence Abernethy about 1320-25, in which he mentions "William my brother, and William his son and heir my nephew." Douglas, however, gives three Sir Williams, and Lord Saltoun, in his account of Laurence Abernethy (*Frasers of Philorth*, ii, p. 158), gives it as his opinion that he is right, and that Laurence's nephew William died without having succeeded his father, a supposition which is strengthened by the change of name of the next possessor, George. Sir George Abernethy, fourth of Saltoun, accompanied King David in his invasion of England in 1346, and was taken prisoner at the battle of Neville's Cross. He was committed to the Tower of London (*Rotuli Scotiæ*, i, p. 678; *Fœdera*, v, p. 534). What lands were accessible were nominally forfeited by Edward III, and we read that in 1357 "The barony of Prendrelath (Plenderleith) fell into the King's hands by forfeiture of George de Abernethy and his wife Alicia, late the King's enemies, and has been for eleven years and still is. . . . The barony is so utterly destroyed by the Scots that no profits can be levied at present for the King. It is held by the service of a knight's fee." A memorandum attached states the barony used to be worth £49 19s. 4d. (*Calendar of Documents*, iii, 1641). From this entry about Plenderleith, we may conclude that the

surname of George Abernethy's wife Alicia was Wishart, and that she was the heiress of the lands mentioned, probably the daughter of that William Wishart who received them from King Robert I. This conclusion is also come to by Lord Saltoun (*Frasers of Philorth*, ii, p. 52), but he had not the authority of the document above quoted to support him, as its publication was subsequent to that of his work. George must have been released from confinement previous to 1368, for he is found granting a charter to John de Kench, which though not dated, can be proved by internal evidence to have been executed before January 1367-8 (*Salton Hall Charter Chest*).

George and Alicia are said to have had two sons, George and John. It is, however, very difficult to distinguish George from his father. A George Abernethy attended the Coronation of Robert II on 27th March 1371 (*Acta Parl. Scot.*, i, p. 545), and George de Abernethy miles, dominus de Sawylton, was a witness to a charter of the lands of Longformacus 22nd June 1384, and on 8th November 1391 Robert III confirmed to Sir William Stewart, of Jedworth, certain lands in the territory of Minto, resigned in his favour by Sir George de Abernethy (*Robertson's Index*, Nos. 20 and 33). As George Abernethy, who married Alicia Wishart, was probably born early in the fourteenth century, the chances are that as Lord Saltoun states, there were two lairds of his name, father and son.

Of John, the brother of the second George, it may be said that he appears as Sir John Abernethy, of Balgounie, in Fife, and that in 1367-8 he received certain grants of land from the King (*Reg. Mag. Sig.*). In 1363 he got a safe-conduct to enable him to pass to England, being styled in the document "valettus" to David II (*Fœdera*, vi, p. 428). In 1371 he had another safe-conduct to England (*Rotuli Scotiæ*, i, p. 944). In 1377 he got a similar document to enable him to pass "versus partes Sprucie" (*Ibid.*, ii, p. 4), and in 1381 another safe-conduct was issued enabling him to go on his way through England *en route* for the Holy Land (*Ibid.*, ii, p. 40).

John's brother George left at all events one son, William the sixth of Saltoun, who must have succeeded his father about the end of the fourteenth century, but was probably born not later than 1365, if he is the person who witnessed a charter granted by Sir James de Douglas, Lord of Dalkeith, in 1388 (*Reg. Hon. de Morton*, ii, p. 165). He also appears in 1397 as witness to a grant to George, Earl of Angus, by James Sandilands, of the wardship of his son and heir (Fraser's *Douglas Book*, iii, pp. 40—43). He married a daughter of Robert, Duke of Albany, and died of the pestilence in 1420 (*Scotochronicon*, lib. xv, cap. xxxii). It was not he, as stated in Dr. Wallace James' paper, who was killed at the battle of Harlaw in 1411, but his eldest son of the same name. This is proved by a statement of Bower, who, in giving the list of the slain in that battle, includes the name of William Abernethy, son and heir of the Lord of Saltoun, and "*nepos gubernatoris*," grandson of the Regent. William Abernethy and Maria, his wife, had, in addition to the above mentioned son,

at least two more. There is a charter by Archibald, Earl of Douglas, to James de Abernethy, of the lands of Theynside and Harwood, in the barony of Hawick, which belonged to Sir William of Abernethy, younger, brother of the said James, and were resigned by him—dated 26th July 1393 (*The Scotts of Buccleuch*, ii, p. 17). Another son, Patrick, was witness to a charter by the Regent Albany in 1413, in which he is styled *nepos noster dilectus*, and there is some ground for believing that there was yet another son, John (*Frasers of Philorth*, ii, p. 160).

William Abernethy, who was killed at Harlaw, married Margaret, daughter of Sir William Borthwick, a lady who subsequently became the wife of Sir James Douglas, of Dalkeith. They had at least two sons, William who succeeded, Laurence, who succeeded his brother, and probably a third, Oswald, who was one of the witnesses to a truce made by the Wardens of the Marches with the English in 1449 (*Fœdera*, xi, p. 246). This Oswald had a son John (called William by Douglas), but beyond the fact that he is mentioned as a substitute of entail in several charters (28th January 1463-64, 5th August 1464, and 10th January 1482-3, *Reg. Mag. Sig.*) and styled son of Oswald, nothing further is known of him.

William, the eldest son of William Abernethy, who was slain at Harlaw, and Margaret Borthwick, was one of the Magnates Scotiæ who went to meet James I at Durham in 1423, and in the following year he was one of the hostages for the ransom of the Scottish King, his estates being valued at an annual rental of 500 marks (*Rotuli Scotiæ*, ii, pp. 244, 245, 248, 252). He succeeded his grandfather in 1420, but cannot have lived long thereafter, and must have died without issue, as we find his brother Laurence styled Dominus de Saltoun in 1428.

(To be continued.)

THE ABERNETHY PEDIGREE.

By Sir James Balfour Paul, Lyon King of Arms.

(*Continued from p.* 25.)

On the death of William Abernethy, seventh of Saltoun, he was succeeded by his immediate younger brother, Laurence. He was in possession of the lands by 1428, and must have been a man of considerable power and influence, as on 28th June 1445 he was created a Lord of Parliament by the title of Lord Saltoun of Abernethy, though for some time the titles of Lord Saltoun, Lord Abernethy and Lord Abernethy of Rothiemay appear to have been used indifferently (*Frasers of Philorth*, ii, p. 42). He must have died before 13th March 1460, when his son and heir William obtained sasine of the barony of Saltoun His wife's Christian name was Margaret, as in 1448 Margaret Lady Saltoun obtained a notarial transumpt of a charter granted in 1443, by John de Haliburton of Sawlyne in Fife to his son and his wife of certain lands there (*Charter at Salton Hall*), but to what family she belonged is not known. They had issue four sons, William and James, successively second and third Lords Saltoun, George and Archibald (*Antiq. of Aberdeensh.*, ii, pp. 210-12); of the daughters, Christian married, as his first wife, in 1468, Sir John Wemyss of Strathardle (*Fraser's Memorials of the Family of Wemyss of Wemyss*, i, p. 94); Elizabeth married John Gordon, eldest son of John Gordon of Scardargue. It is stated in a *MS. History of the Irvines of Drum* (*Lyon Office*) that Alexander Irvine, younger of Drum, married . . . Abernethy, daughter of Lord Saltoun, by whom he left a son Alexander, who was served heir to his grandfather 3rd November 1457. This must have been a daughter of Laurence, the first Lord Saltoun. Another daughter was probably the wife of John Ogstoun of that ilk (*Supplement to the Genealogical History of the Families of Ogstoun*, pp. 45-97).

William, second Lord Saltoun, who succeeded his father, got a re-grant of his lands from the King in 1463, another the following year and another in 1482, having the estates then erected into one free barony of Abernethy in Rothiemay. Between the dates of the first and the second charters he probably married, as in the latter his wife's terce is reserved. It is omitted in the third, so she had perhaps died in the interval; if so he must have married again, because he left a widow styled Isabella, Lady Abernethy in Rothiemay (*Antiq. of Aberdeensh.*, ii, pp. 109, 248). Dr. Wallace James states that her name was Isabella Borthwick; he does not give his authority, but no doubt he satisfied himself that this was the case. William, second Lord Saltoun, died in June 1488, the period at which the eventful battle of Sauchieburn was fought, but whether he met his death on that field is not known. On

the 10th October 1488 his brother James was served heir to him (*Original Retour at Salton Hall*).

Of James, third Lord Saltoun, not much is known. He was for some years prior to 1448 engaged in a lawsuit against Adam Hepburn of the Craigs and his wife Elizabeth Ogstoun (who may, as above stated, have been the child of a daughter of the first Lord Saltoun), and Sir John Wemyss of Strathardle and his wife Christian, who was certainly a sister of James Abernethy. He was dead before 23rd July 1512, when his son Alexander appears in possession of the estate (*Reg. Mag. Sig.*). It is not known whom he married, but he left at least one son, his successor in the title, and three, if not four, daughters—1, Margaret, married John Stirling of Craigbernard, Comptroller of the King's Household (*Reg. Mag. Sig.*, 28th March 1503, 7th June 1508); 2, Janet, married Alexander Ogilvy of Deskfurd (*Reg. Mag. Sig.*, 7th July 1509); 3, Elizabeth, married Alexander Hay of Ardendracht (*Reg. Mag. Sig.*, 31st May 1510; *Antiq. of Aberdeensh.*, iii, p. 506). Another daughter, Helen, probably the eldest, not mentioned by Lord Saltoun in his work, married Thomas Urquhart of Fishery, Sheriff of Cromarty (*Reg. Mag. Sig.*, 16th September 1553). On the old Castle of Cromartie, of which every trace is now gone, were the sculptured figures of a lady and gentleman. In a description of the castle from the pen of Hugh Miller it is stated, "Round the entrance itself there jutted "a broad, grotesquely-proportioned moulding, somewhat resembling "an old picture frame, and directly over it was a square tablet "of dark blue stone, bearing in high relief the arms of the old "proprietors; but the storms of at least five centuries had defaced "all the nicer strokes of the chisel and the lady with her palm "and dagger, the bears' heads and the greyhounds were trans- "formed into so many attenuated spectres of their former selves— "no inappropriate emblem of the altered fortunes of the house" (*Fraser's Earls of Cromartie*, ii, p. 445). These were probably put up on 25th August 1646 by Sir Thomas Urquhart, the translator of *Rabelais* and the writer of a wonderful genealogy of the family; at all events he caused at that date the following inscription to be carved below the figures:—"Above are the exact pictures of "a marry'd pair, no less illustrious by descent than conspicuous "by their exemplary vertue, viz., of Thomas Urquhart, baron and "hereditary sheriff of Cromarty, descended from twenty-four famous "successive progenitors, and of his most faithful Lady Helen "Abernethy, Lord Salton's beloved daughter, who, after she had "borne to her forsaid most beloved husband thirty-six most comely "children, lived with him till twenty-five sons respectively came "to man's estate, and of these six (at least) travell'd France, "and many other foreign countries, with the strictest view (for "their education), upon their father's proper charges, and the rest, "(passing by none) were handsomely provided; and her elevin "daughters (of whom severally a numerous offspring is still "extant) were splendedly matched to their principal neighbours, "and those of best estates, and tho' their father lived more "sumptuously than any of his time, and rode pompously with a

"retinue of fifty domesticks, yet built this Castle, which exceeds "any in this kingdom (contrived by a French architect), upon his "own expenses, in the year 1507, and that with so much foresight "and prudence, though he was cumbered with a numerous family "of children as well as menial servants, equipages and largesses "to many of his relations in their greatest straits and intricate "affairs, yet left what land estate or sums of money he had from "his father to his successors, especially his eldest son, without "any burden. In remembrance whereof, lest a man of so much "probity and excellency should be forgotten, his great-great-grandson, "Sir Thomas Urquhart . . . . ordered to cut this monument to "his honour the twenty-fifth day of August 1646" (*Red Book of Grandtully*, i, p. 114). Nisbet tell us, too, that this prosperous life was not unalloyed with sorrow, for no less than seven of the twenty-five sons met their death on the field of Pinkie (*Heraldry*, app., p. 273).

Alexander, fourth Lord Saltoun, was infeft by his father in the baronies of Saltoun and Glencorse and all his other possessions, reserving his own liferent, in 1491 (*Antiq. of Aberdeensh.*, iii, p. 154). He was at the battle of Flodden, but succeeded in escaping the fate of most of the Scottish nobility on that fatal day. Between 1514 and 1517 he made large purchases of lands in Banffshire. His name is found as attending Parliament in 1528 (*Acta Parl.*, ii, p. 322), but he must have died shortly afterwards, for the Dowager Lady Saltoun, daughter of James Earl of Buchan, uterine brother of James II, who must have been his widow, is said to have built the house of Park, in Banffshire, in 1530 (*Antiq. of Aberdeensh.*, ii, p. 108). He left at least two sons and one daughter; William, who succeeded, and Laurence, who is mentioned in the proceedings of a lawsuit between the Laird of Innes and Alexander, sixth Lord Saltoun; he is called uncle to the sixth Lord, which proves that he must have been a brother of William, fifth Lord (*Spalding Club, Family of Innes*, pp. 109-11). The daughter Beatrix married Alexander Forbes of Pitsligo (*Reg. Mag. Sig.*, 8th December 1521). There was possibly another daughter for whose marriage to William Innes of Innes, a papal dispensation was obtained in 1528 (*Family of Innes*, p. 127).

William Abernethy, fifth Lord Saltoun, succeeded previous to 1530. He married Elizabeth Hay, daughter of John, second Lord Yester. This marriage did not take place, as alleged by Dr. Wallace James, in 1536, but long before that date. On 25th July 1512 there is a confirmation of a charter, of date two days previous, by "Alexander Lord Abernethy" to his son William and his wife, Elizabeth Hay, of the lands of Dalders in Stirlingshire (*Reg. Mag. Sig.*), and he had from time to time charters of other lands which it is unnecessary to specify in detail. He became involved in a quarrel with the Crichtons of Frendraught, and on 15th March 1543-4 was, with forty-five others, called to account for being concerned in the slaughter of George Crichton of Conzie, and of James and Robert Crichton with a gun "cum uno magenole lie gwnne" (*Pitcairn's Criminal Trials*, i, p. 104). He may possibly have been

wounded in this affray, as he must have died within a few days after the last mentioned date, for he is mentioned as "deceased" in a lawsuit brought by the laird of Innes against his son, the sixth Lord, on 4th April 1544 (*Family of* Innes, p. 108). He left two sons, Alexander, who succeeded him, and William who was the ancestor of the now extinct branch of Abernethy of Birnes.

Alexander, sixth Lord, is in the lawsuit alluded to above, termed "adolescentem" or a youth. He married in 1550 Alison Keith, daughter of William, Earl Marischal, and granted her part of the barony of Saltoun in security for her jointure, though from the fact that this deed was executed with consent of his own mother it is evident that he was not even at this time yet of full age (*Reg. Mag. Sig.*, 4th September 1550). This is the only wife mentioned by Lord Saltoun in his account of the family, but Mr. R. R. Stodart in an article on the Kerrs of Cessfurd, in the *Herald and Genealogist*, vol. vii, p. 410, mentions that William Kerr of Cessfurd, married before 1589 Jean Johnstoun, relict of Alexander Lord Abernethy of Saltoun. This statement receives a certain amount of corroboration from the fact that he had a daughter of the name of Jean (a name which does not occur previously in the family), who married first, as his second wife, Alexander Seton of Meldrum, marriage contract 12th August 1579 (*Seton's Family of Seton*, i, p. 466; *Thanage of Fermartin*, p. 690); second, again as a second wife, John, second son of Alexander Urquhart of Cromarty and Beatrix Innes, his wife (*Nisbet's Heraldry*, app., p. 274). It is a curious fact that this John married as his third wife in 1610 his second wife's first husband's grandchild by a former marriage, viz., Elizabeth Seton, only daughter of Alexander Seton, eldest son of Alex. Seton of Meldrum above-mentioned. By this marriage the Urquharts became proprietors of Meldrum (*Thanage of Fermartin*, p. 693). Alexander, sixth Lord Saltoun, after an active though not very long life, died early in 1587, leaving three sons, 1, George, his successor; 2, the Laird of Lessendrum, whose name according to Dr. Wallace James was Alexander (*Cf. Reg. Mag. Sig.*, 23rd November 1602); and, 3, John, who received the lands of Barrie from his father. The last married and had issue, but the branch became extinct in the male line in 1785. Lord Saltoun had also two daughters; Elizabeth, the elder of these, married first John Lord Glammis (*Reg. Mag. Sig.*, 28th April 1587), who died 1578. Caution was found to the extent of £2,000 by Thomas Lyoun of Baldukie and others, that he shall not "mak trubill to Dame Elizabeth Abernethy, relict of John Lord Glammis or to his daughter on the bruiking and possessing of their lands" (*Privy Council Records*, iii, p. 249, 17th December 1579). She married secondly John Innes of Innes; there is a contract between Lord Saltoun and Robert Innes for his daughter's liferent 1580 (*Family of Innes*, p. 24). The second daughter, Jean, married as above stated, first, Alexander Seton, and second, John Urquhart.

George Abernethy, seventh Lord Saltoun, was served heir to his father 10th May 1587 (*Index of Retours*, ii). He married before 1584

Margaret, daughter of John Earl of Atholl, Chancellor of Scotland. She got a charter of the lands of Kellie in Aberdeenshire on the 24th of August in that year (*Reg. Mag. Sig.*). Lord Saltoun died before 1595 (Douglas says 1600), for in the marriage contract between his daughter Margaret and Alexander Fraser, younger of Philorth, dated 1st January in that year, his son appears as Lord Saltoun, and Margaret is called sister of the latter. Of the marriage between Lord Saltoun and Lady Margaret Stewart there were issue one son, John, who succeeded his father, and two, if not three, daughters—first, Margaret married Alexander Fraser, younger of Philorth; second, Jean, who married in 1608 Sir John Lindsay of Kinfauns, eldest son of Sir Henry Lindsay of Caraldstoun (*Reg. Mag. Sig.*, 25th February 1608). Sir John died during the lifetime of his father, and she afterwards married George Gordon of Gight (*Register of Kirk Session of Rothiemay*, 18th May 1617, quoted in *The Frasers of Philorth*, p. 63; *Reg. Mag. Sig.*, 30th July 1618). There was probably another and elder daughter, Joneta, who married Patrick Livingstone, and along with her husband got a charter of the lands of Dalders from John Lord Saltoun, with consent of his mother, Lady Margaret Stewart, 23rd November 1602 (*Reg. Mag. Sig.*).

John, eighth Lord Saltoun, succeeded to the title before 1595. He married first Lady Mary Stewart, second daughter of James, the "Bonny Earl of Moray," by his wife Elizabeth Stewart, daughter of the Regent Moray, but had no children by her (*Frasers of Philorth*, p. 64). She died before the end of 1608, and early in 1609 he married Anne Stewart, only daughter of Walter, Lord Blantyre, by his wife Nicholas, daughter of Sir James Somerville of Camsbusnethan (*Reg. Mag. Sig.*, 14th February 1609). He got into embarrassed circumstances, sold a large portion of his estates and died in 1617, having had issue one son, Alexander, and two daughters, Anne, born 1609, died in infancy, and Margaret, born 1613, died unmarried.

Alexander, ninth Lord Saltoun and last of the name of Abernethy, was born on 26th March 1611, and was only about six years of age when he succeeded his father. He also fell on evil days, and not only had to sell more of his estates but became involved in endless litigation. In connection with this an extraordinary fraud was perpetrated by James Abernethy, an Advocate and Clerk of Session, brother of Alexander Abernethy of Auchencloich and Mayen, and son of Thomas Abernethy of Barrie, whose father was third son of the sixth Lord Saltoun. He went to London and, gaining access to the Register of the Decrees of the Court of Session (which had, with other Public Records of Scotland, been sent to London by order of Cromwell), abstracted three leaves which contained a judgment of the Court reversing a prohibition against burdening the family estate with debt under which the eighth Lord Saltoun had placed himself before 1605. The effect of this was to make all the sales of land subsequent to that decree null and void; but the actual result was only to increase the amount of litigation going on. James Abernethy did not destroy the leaves, but evidently

intended to use them for blackmailing purposes, a game which, however, he found it too dangerous to himself to pursue. It is impossible here to give the details of the story which are related by Lord Saltoun in his work to which I have had occasion so often to refer. Suffice it to say that long after the death of the ninth Lord Saltoun (who was in all probability aware of what had been done), Alexander Abernethy of Auchencloich, before his death in 1683, left the secret of the stolen leaves to his kinsman James Ogilvie, informing him that they were built into the wall of the house of Mayen. Ultimately an action was brought against Alexander Abernethy's son to compel the production of the leaves, and it ended in their being replaced by order of the Lords of Session on 22nd July 1692.

Alexander, Lord Saltoun, died unmarried before the end of November or during the first few days of the next month, in 1668. There is a curious doubt as to where he was buried. In the Register of Burials of the Canongate it is stated that "Lord Saltoun was buried in the Church of Holyrood hous upon the 17th December 1668 in the buriall place of Sir Lues Bannatine, Baron of Brochtoun and heir of the Earl of Roxburgh," but in the Greyfriars' Register there is an entry, under 18th December 1668, "Me Loird Sailtin."

Lord Saltoun's sister survived him, but never assumed the title. After her decease it was claimed by Alexander Fraser, tenth of Philorth, whose father Alexander, ninth of Philorth, had married Margaret Abernethy, daughter of George, seventh Lord Saltoun. His right to the title was confirmed not exactly by a new creation, but by a Patent ratifying and approving his service as heir of line, and his taking upon himself the title and dignity (*Cf. Acta Parl. Scot.*, viii, p. 33).

In concluding this notice of the Abernethies, I may be permitted to express my sense of obligation to Lord Saltoun's book on the Frasers of Philorth, to which I have so often referred. Without its aid this paper could not have been written, and I have quoted it freely throughout. But I have checked, so far as possible, all the references, and have added a considerable quantity of information which the means at Lord Saltoun's disposal at the time he wrote his account of the family did not enable him to procure.

Notes and Queries.

ABERNETHY PEDIGREE.—In the valuable papers contributed to *The Genealogist* by Sir James Balfour Paul and Dr. Wallace-James (N.S., vol. xvii, pp. 150-152; vol. xviii, pp. 16-25, 73-78) no mention is made of the following Administration, granted P.C.C. 8 Feb. 1686:—

Commission to the Hon^ble^ Catherine Stuart *alias* Muir, widow, principal creditor of the Hon^ble^ Lady Anne Stuart, Lady Salton, late of the parish of S^t^ Mary Le Savoy in Co. Middx., widow, dec^d^.

In the margin of the Administration Book is written the word "paup," which appears to mean that the property of the deceased was below a certain fixed sum. *The Complete Peerage* refers to this Administration, and identifies the above Lady Saltoun with the widow of the eighth Baron, who is stated in Lyon's article to have died sixty-nine years previously, and to have been married to Anne Stewart as early as 1609. The grant was therefore probably made many years after her decease.

In the 1847 edition of Burke's Landed Gentry, *sub* Rutherfurd, John Abernethy, Bishop of Caithness, is said to have been "brother of Lord Saltoun." This statement seems to be open to question, and, perhaps, some reader of *The Genealogist* may be able to throw light upon his true parentage.

SCUTUM.