

II.

NOTICE OF TWO ANCIENT SILVER CHALICES AND A SILVER BASIN BELONGING TO THE PARISH OF FORGUE, ABERDEENSHIRE, AND OF THEIR DONORS, JAMES CRICHTON OF FRENDRAGHT, AND HIS SON, THE VISCOUNT FRENDRAGHT. BY JOHN STUART, ESQ., LL.D., SECRETARY.

In the volume of the Proceedings of the Society for 1862 will be found a paper by Mr Sanderson containing much useful information on the subject of communion vessels and the manufacture of Scottish plate, from the year 1682, when the Hall marks began to be recorded.

From the frequent occurrence in our early records of the names of Scottish goldsmiths, and from the lists of silver vessels and ornaments, not merely for ecclesiastical but for domestic use, which still remain in the archives of Scottish families, it seems likely that many examples of early native art are yet to be found, if we had satisfactory means of distinguishing their work from that of the foreign artists who undoubtedly supplied a considerable part of the early demand. With this view, it may at some other time be an object worthy of the Society to invite an exhibition of early plate.

In the meantime, I am desirous of drawing attention to three chalices and two patens, belonging to the parish of Fergie, which, through the good offices of Mr Morrison of Bognie, are now exhibited to the meeting. Of the smaller chalice little has to be said. It appears to be of a date considerably earlier than the others, and may have been in use before the Reformation. The letters I V F are stamped upon it, and on the paten belonging to it, with great rudeness, and on the latter are the letters I H S, with a cross engraved in a later style.

On both the larger chalices is the inscription :—“GIFTIT TO GOD AND TO HIS CHURCH BE JAMES CREICHTOVN OF FRENDRAGHT TO THE KIRK OF FORRIG 1633.”

The basin or paten, which measures 13 inches in diameter, is of beaten silver, having the Crichton Arms engraved on a boss in the centre, with the following inscription round the edge :—“GIFTIT TO

GOD AND HIS CHURCH OF FORGUE BY JAMES VISCOUNT OF FRENDAUGHT LORD CRICHTONE."

The letters T K on the chalices are the initials of an Edinburgh silversmith of the day, while the letter G is that of the tradesman by whom the plate was assayed. The marks on the basin indicate its being of foreign work.

It appears from the facts collected by Mr Sanderson that the chalices presented by James Crichton are of a form which was very usual about the date of the Forge ones, but did not continue long in use. It had little in common with the shape of the earlier vessels used for communion purposes, and little to recommend it in any way, the cup being broad and shallow like that of a champagne glass.

By the kindness of the Rev. Dr Arnot, the meeting will have the opportunity of examining the beautiful flagon presented to the church of St Giles by Montagu, Bishop of Lincoln, in the year 1618, and a chalice given to that church by the parishioners in 1643, and a basin.

While the Forge chalices are interesting as specimens of the ecclesiastical taste of the day, they are perhaps more interesting from their probable connection with a striking incident in the history of their donor.

I ought to say that the parish of Forge lies on the north border of Aberdeenshire, where it joins the neighbouring county of Banff. In early records it appears as the parish of Ferindrach or Ferendracht, but for more than five centuries it has borne its present name of Forge.

In early times the Barony of Fren draught belonged to a knightly family who took their name from the lands. One of them, Duncan of Ferindrach, knight, swore fealty and homage to King Edward I. of England on his subjugation of Scotland in the year 1296.

Soon after this the lands passed into the family of Fraser of Forglie, by the marriage of Margaret of Ferendracht to James Fraser, for which a dispensation by Pope John XXII. was granted in the year 1322, and about the end of the 14th century the heiress of that house carried the lands by marriage to her husband, Alexander Dunbar, second son of Alexander Dunbar, Earl of Murray. James Dunbar, who succeeded to the Earldom of Murray, was the issue of that marriage; and Janet Dunbar, his eldest daughter and one of his co-heiresses, having taken to her husband James, second Lord Crichton, conferred on him the

barony of Frendraught, and thus founded the family of Crichton of Frendraught.

This fair inheritance descended in the ordinary line of succession for two centuries, when the lands came to be vested in James Crichton, the donor of the chalice to the church of Forgue. In the year 1641, James, the son of this baron, was advanced to the dignity of the peerage by the title of the Viscount Frendraught. This took place during the lifetime of his father, to whom it is said the honour was offered in the first place, but who declined it, preferring, according to Spalding, to be called Laird, but who as a Covenanter may have been actuated by other motives in his refusal.

To understand the position of the Laird of Frendraught, and the motives which may have induced him to present the chalice at the period referred to, it is necessary to give some account of a fearful tragedy which happened in his family, and which, both at the time when it occurred, and to the end of his days, exercised a most powerful effect on his fortunes. It has been recorded with picturesque detail by John Spalding of Aberdeen, a contemporary annalist, and also by Sir Robert Gordon in his History of the Earldom of Sutherland. I quote as follows from the "Memorials" of the former:—

"ANNO 1630.—Vpone the first of Januar 1630 the laird of Frendraucht and his complices fell in ane trubill with Williame Gordon of Rothimay and his complices, quhair the said Williame wes vnhappelly slayne being a gallant gentilman, and on Frendracht's syde wes slayne George Gordoun brother to James Gordon of Lesmoir, and diuers vtheris wes hurt on both sydis. The Marques of Huntly and sum weil set freindis satlit this feid, and Frendracht ordanit to pay to the ladie relict of Rothimay and the barnes fyftie thousand merkis in compositioun of the slauchter, quhilk as wes said wes treulie payit.

"Vpone the 27 of September 1630, the laird of Frendraucht haueing in his company Robert Crichtoun of Condlan, and James Leslie sone to Johne Leslie of Petcaple, with sum vther seruitouris, the said Robert efter sum speiches suddantlie schootis the said James Leslie throw the arme. Thay war partit and he convoyit to Petcaple, and the vther Frendracht schot out of his company. Like as Frendracht vpone Tuysday the 5 of October had confeirens with the Erl of Morray in

Elgyne, and vpon the morne he cam to the Bog of Geicht, quhair the Marques maid him welcum. Petcaple lovpis on about 30 hors in jak and speir (heiring of Frendrachtis being in the Bog) vpon Thursday the 7 of October and cam to the Marques, who befor his cuming had discreittie directit Frendracht to confer with his lady. Petcaple haulie complains of the hurt his sone had gottin in Frendracht's company, and rashlie avowit to be revengit befor he went home. The Marques alledgit Frendracht had done no wrong, and dissuadit him fra ony truble. Petcapill displeissit with the Marques suddantlie went to hors, and that samen day rydis his awin ways leaveng Frendracht behind him in the Bog, to whom the Marques reveillit what confeirens wes betuixt him and Petcaple, and held him all that nicht, and wold not let him go. Vpone the morne being Frydday and aucht of October, the Marques causit Frendracht to brakfast lovinglie and kyndlie. Efter brakfast the Marques directis his deir sone Johne Viscount of Aboyne with sum servandis to convoy Frendracht home to his awin hous, if Petcaple wes laid for him be the way. Johne Gordoun eldest sone to the lait slayne laird of Rothimay hapnit to be in the Bog, who wold go also with Aboyne. Thay ryde but inteirruptioun to the place of Frendracht, or sight of Petcaple be the way. Aboyne tuke his leve from the laird, bot vpon no condition he and his ladie wold not suffer him to go nor none that wes with him that nicht, bot earnestlie vrgit him (thogh aganes his will) to byd. Thay war weill intertaynde, souppit mirrellie, and to bed went joyfullie. The Viscount wes laid in ane bed in the old tower (going af of the hall) and standing vpon one volt, quhairin thair wes ane round hoill devysit of old just vnder Aboyne's bed. Robert Gordoun borne in Sutherland his seruitour, and English Will his page, wes both laid besyde him in the samen chalmer. The laird of Rothimay with sum seruandis besyde him wes laid in ane vpper chalmer just above Aboyne's chalmer, and in ane vther rume aboue that chalmer wes laid George Chalmer of Noth and George Gordoun, ane vther of the Viscountis seruandis, with quhom also wes laid capitene Rollok then in Frendrachtis awin company. Thus all being at rest, about midnicht that dolorous towr tuke fyre in so suddant and furious maner, yea and in ane clap, that this noble Viscount, the laird of Rothimay, English Will, Collein Ivat, ane vther of Aboyne's

seruitouris and vther tua being six in number, war cruellie brynt and tormentit to the death but help or releif, the laird of Frendracht, his ladie, and hail household looking on without moveing or sturring to deliuer thame fra the furie of this feirfull fyre as wes reportit.

“ Robert Gordoun, callit Sutherland Robert, being in the Viscountis chalmer escaipit this fyre with his lyf. George Chalmer and Capitane Rollok being in the third rounge escaipit also this fyre, and as wes said Aboyne nicht haue saiffit him self also if he had gone out of durris, quhilk he wold not do bot suddantlie ran wp stairis to Rothimayis chalmer, and walknit him to rys ; and as he is walkning him the tymber passage and lofting of the chalmer haistellie takis fyre, so that none of them could wyn down stairis agane : so they turnit to ane wyndo luiking to the clois quhair thay piteouslie cryit help, help, mony tymes, for Godis caus. The laird and the ladie with thair seruandis all seing and heiring this wofull crying bot maid no help nor maner of helping, whiche thay perceaving, thay cryit often tymes mercie at Godis handis for thair synis, syne claspit in vther armes and cheirfullie sufferit this cruell martyrdome. Thus deit this noble Viscount, of singular expectation, Rothimay a brave youth, and the rest be this dulefull fyre neuer aneuche to be deploirit, to the gryt greife and sorrow of thair kyn, freindis, parentis, and hail countrie people, especiallie to the noble Marques, who for his goodwill gat this rewaird. No man can expres the dolour of him and his lady, nor yit the greif of the Viscountis awin deir ladie when it cam to hir eiris, whiche scho keipit to hir deing day, disdayning euer the company of man thairefter in the rest of hir lifyme, following the love of the turtle dow.

“ Howsone the Marques gettis word, he directis sum freindis to tak wp thair ashes and brynt boneis quhilk thay culd get, and as thay culd be kend to put ilkanes asses and bones in a kist, being six kistis in the haill, which with gryte sorrow and cair wes had to the kirk of Garn-tullie, and thair bureit. In the meintyme the Marques writtis to the Lord Gordoun then duelling in Innerniss of this accident. It is reportit that vpone the morne efter this wofull fyre, the ladie Frendracht, dochter to the Erll of Sutherland, and neir cousing to the Marques, buskit in ane white plaid and ryding on ane small nag, haueing ane boy leiding hir hors without ony mae in hir company : In this pitifull maner scho

cam weiping and morning to the Bog desyring entrie to speik with my lord, bot this wes refusit, so scho returnit bak to her awin hous the same get scho cam comfortles."

The popular suspicion was strongly fastened on the Laird and Lady of Frendraught as the authors of the tragedy, and more especially the latter. We discover from many different sources the strength and diffusion of the feeling, and one of the most striking references to it I may here quote from a contemporary writer. The Lady of Frendraught, being a Roman Catholic, employed as chaplain a priest of that church, who resided in the house of Frendraught at the time of the fire. On the death, in 1637, of the one then in her service, she applied to Father Blackhall, a missionary priest in the north, to come and fill his place. In his "Brief Narration," which contains a wonderful picture of society in Aberdeenshire in the time of Charles I., he thus refers to the circumstance:—

"My Ladye of Frendret did send to me praying to me to be her ordinary, for the frere whom she had before, was lately departed from this lyffe. I refused absolutely to see her, because she was suspected to be guiltye of the death of my lord of Aboyne, who seaven yeares before was burned in the Castel of Frendret. Whether she be guiltye or not God knoweth, for that hath not been yet discovered."

It was probably under the knowledge of the suspicions current in the country that the Laird presented himself before the Privy Council of Scotland, and declared "that immediately after that unhappie and deplorable burning of his toure of Fendraucht, and of some noble persons and others being thairin, committed be some devilish and odious plotters agains him, his lyfe and estate, in the moneth of October last, the said James Crichton of Fendraucht, pairtlie out of greefe of mynde, and pairtlie for ischewing anie sudden violence whilk might be used agains him, he addrest himselfe to the brugh of Perth, where George, Viscount of Dupline, Lord High Chancellor of this kingdome, had his residence; and there humbelie desired the said Lord Chancellor to protect him from all violence and injustice, and to tak diligent tryell of the comitters of the said haypous fact, and offered himselfe readie to undergoe whatsoever tryell for anie appearance of suspicioun which might arise agains him, upon the occasioun of the burning of the persons foirsaidis

within his towre. Likeas, now, the said laird of Fendraucht being cum to the burgh of Edinburgh with the said Lord Chancellor, and being personallie present this day in counsell, he repeated his former declaratioun in presence of the whole counsell, and humbelie intreated thame to make diligent search and inquisitioun for trying the actours and committers of the said odious and treasonable fact, and for his awin part, to testifie his innocencie, wes content to act himselfe; lykeas, be thir presents he actit himselfe to compear personallie before the saids lords whenever he sall be lawfullie charged to that effect, under the pane of ane hundreth merkes. The lords of secreit counsell having heard the relatioun of James Crichtoun of Fendraucht . . . finds and declares, that the said Lord Chancellor in his accepting of the said James Crichtoun in his hous and companie, and keeping him till the day that the said James exhibite himselfe personallie before the counsell, did good and acceptable service to his Majestie, and conformed himselfe to the credite and deutie of his place and office in everie point."

After various proceedings, the Privy Council, on the 4th of April, granted commission to William Earl Marischal, Patrick Bishop of Aberdeen, John Bishop of Murray, James Lord Ogilvie, David Lord Carnegie, and Colonel Harie Bruce, "or anie three of them conjunctlie, to make their address to the Place of Fendraucht, . . . and there to sight and view the house of Fendraucht, and to consider the frame and structure thereof, and how and by what means the fyre was raised within the same, and if the fyre was accidentall or done of sett purpose by the hand of man, and if there be any possibility or probability that the fire could have been raised be anie persons without the house, and that they report their proceedings."

On the 20th of April the Commissioners gave in the following report:—

"At Fendraucht the threttene day of Aprile, the yeere of God jaj vi^e and threttie anc yeeres, we under subseryvers, for obedience of ane ordinance and warrand gevin be the lords of his Majesteis most honourable priue counsell, made our addresse to the hous of Fendraucht, and considerit the frame and structure thairof, for tryell how and be what meanes the fire wes raised within the same, and whether the fire wes accidentall, or done of sett purpose be the hand of man; and if

there be ane possibilitie or probabilitie that the fire could have been raised be ane persoun without the hous, and having seghted and examined the samine, with ane voice and consent resolwes as followes : We finde be all likliehoode, that the fire whairby the hous wes brunt wes first raised in ane vault, whairin we find evidences of fire in thrie sundrie parts ; one at the farthest end thair of, another towards the middes, and the third on that gavell which is harde by the hole that is under the bed whiche wes in the chamber above. Your good lordships will excuse us if we determine not concerning the fire, whether it wes accidental or of sett purpose by the hand of man ; onelie this mucche it seemeth probable unto us, after consideratioun of the frame of the hous, and uther circumstances, that no hand without could have raised the fire without aide from within. In witnes whair of, we have subscribed thir presents with our hands: Patrick Aberdene, John bishop of Moray, James Lord Ogilvy, Carnegy, Henry Brus."

The Council seem to have been at a loss how to act, but, according to Spalding, the Commissioners' Report had the effect of strengthening the suspicions of the Marquis of Huntly against the Laird as "the foyer and devyser of the fyre."

In June 1632 the Council received the King's directions, "that for better cleering of the truthe touching the burning of the toure of Fren draught, and that justice may be executed upon whosoever could be found guiltie of so odious and barbarous a fact in the most exemplarie maner, they wold employ one day in every week upon the exact tryell of the samen."

John Meldrum, a former servant of Crichton's, had been imprisoned on suspicion at an early period, and at last was brought to trial before the Lords of Justiciary. The following extract from the dittay will explain the grounds on which he was tried :—

"That the said Johne Meldrum, in the moneth of September, in the yeir of God 1630 yeires, haifeing, under silence and clud of nycht, come to the medow of Fren draucht, pertening heritabillic to Sir James Creichtoun of Fren draucht ; furth of the quhilk medow he thiftuouslie staw, reft, and away tulk, be way of maisterfull thift and stouthrief, tua gray stanned horssis pertening to the said James Creichtoun of Fren draucht, quhilk war than pasturand thairintill, worth the sowme of twa thou-

sand merkis money, and war transported and cayreid away be him in maist thiftious manner.

“The said Johne Meldrum being conscios to himself of his guiltines thairof, and to eschew his lauchfull tryell and deserved puneischment for the samyn, directit and imployit diuerss persones his freindis, and weill willeris to the said laird of Fren draucht, quha in his name earnestlie delt with him to desist and leave af that rigorous and violent coursse, offering to mak restitutioun bak againe to him of the saidis horsis, upone condition that he wald give satisfioun to the said John Meldrum for the loiss and skaith whilk he had sustened in the said laird of Fren drauchts service. The whilk condition being altogidder refuset be the said laird of Fren draucht, the said Johne Meldrum thairupon consavet ane deidlie haitrent, malice, and ilwill agains the said laird of Fren draucht; and in all pairtis and companies quhair he come, oppinlie, with grit attestationes, thraitned and avowed that he sould be about with Fren draucht, and that it could coist ane of thame twa thair lyves, and to do to him ane evill turne besyde. And for this effect the said Johnne Meldrum presentlie tuik his recoursse to James Grant callit of Carroun, ane notorious soirnar, outlaw, theif, and rebell, keipit dyuerss trystis and meittingis with him, craveing the said James his assistance and help, to be avendget upone the said laird of Fren draucht, and in end the said Johne Meldrum haifing convocat to himself certane brokin men, all fugitiues and rebellis, his complices and associattis, upone the aucht day of October, the yeir of God jai vic and threttie yeiris under silence and clud of nicht, betwix twelff hours at nycht and twa eftir mydnycht, come to the place of Fren draucht, and supponeing and certainly persuading himself that the said James Creichtoun of Fren draucht wes lying within the tour of Fren draucht, quhilk was the only strenth and strongest pairt of the said place, the said Johne Meldrum with his saidis complices, in maist tresonabill and feirfull maner, haifing brocht with thame ane hudge quantitie of powder, pik, brumstone, flax, and uther combustabill matter provydit be thame for the purpois, pat and convoyit the samyn in and throw the slittis and stoness of the volt of the said grit tour of Fren draucht, weill knawin and foirseine be the said Johne Meldrum, quha with his complices at that instant tyme fyret the samyn pik, powder, brumstone, flax, and uther combustable

matter above writtin, at dyuerse places of the said volt ; quhilk being sua fyret and kindlet, did violentlie flie to ane hoill in the heid of the said volt and tak vent thairat, the whilk hoill of the said volt and vent thairof being perfytlie knawin to the said John Meldrum, be reasone he had remained in houshald with the said laird of Fren draucht, as his douiefull servand, within the said hous and place of Fren draucht for ane lang tyme of befoir, and knew and was previe to all the secretis of the said house. And the said volt being sua fyret, the hail tour and houssis quhairof immediatly thaireftir, being foure hous high, in les space than ane hour tuik fyre in the deid hour of the night, and was in maist tresonabill, horrible, and lamentable maner brunt, blawin up, and consumet, be occasioun quhairof, the said umquhile Johnne Vicount of Melgum, and umquhile Johnne Gordoun of Rothiemay, with some of thair servandis and followeris (quha the day befoir had come to the said place of Fren draucht, in companie of the said laird of Fren draucht to his said place, to guaird and defend him frome the violence and invasioun of his unfreindis, and quha that nycht lay and remanit within the said tour of Fren draucht) war in that deid hour of the nycht, being sleiping in thair beddis securelie for the tyme within the said tour, maist crewellie, be the violence of the said fyre, without ony help or remeid, brunt to deid within the said tour be the fyre kindlet and arrysing furth of the said volt, and the samyn toure, with the hail houssis thairof, togidder with the saids umquhile Johnne Vicount of Melgum, Johnne Gordoun of Rothiemay, with thair servandis, than being in thair companie thairintill, was pitiefullie brunt, consumed, and destroyed be the said Johnne Meldrum and his complices, and he is airt and pairt of the burning thairof, and of the cruell and execrable daith and destructioun of the honorabill persones foirsaidis, and thair servandis above nominat, than being within the said tour." (Spalding, vol. i. pp. 390, 391.)

The Justiciary records contain a full report of the trial, the evidence of the witnesses, the pleas of counsel, and the verdict, which declared him to be "guiltie, culpable, and convict of the foreknowledge, counsell, airt and pairt, of the treasonable burning of the said house of Fren draught." His sentence was to be hanged and dismembered ; and after his conviction, the Lords of Privy Council appointed the Bishops of Dunblane and Ross, Mr Harry Rollock, Mr David Mitchell, and

Mr Thomas Sydserf, to enter into conference with the prisoner, and to use their "best travellis and endeavours for bringing him to a confession of the truth of that foull cryme whairwyth he is convict, and discharging the jayler of the tolbuith, his servants, and all others quhatsomever to be present at the said conference, requiring the said Bishop of Dunblane to tak the faithfull promise of the rest of his brethren not to reveale what the said John shall delyver unto them."

While John Meldrum was thus executed as having fired the tower from the outside, John Tosh, the master of household of the Laird of Fren-draught, was tried as the author of the calamity, on the opposite and inconsistent theory that he had set fire to the building from the inside, and without any suggestion of complicity between the two prisoners.

The dittay against John Tosh sets forth his having been in company with his master at the Bog of Gight at the time of his visit to the Marquis of Huntly already referred to, and having heard the marquis's purpose to send an escort with the laird on his return home to Fren-draught, consisting of his eldest son, the Laird of Rothiemay, and other friends:—

"And the samyn overtour being hard and knawin to the said Johne Tosche, quha than was present attending upoun the said laird of Fren-draucht his maister, and how that his said maister was to stay that nycht with our said trustie coussing and weil belouit counsellor, George Marqueis of Huntly, &c., and nocht to cum away from him quhill the morene thaireftir, being the aucht day of the said moneth of October, the said Johne Tosche thairupoun dispatchet himself away fra the said place of the Boig wpon the said sevint day of October, and with all post dilligence came to his maisters hous of Fren-draucht, quhair at his cumming thairto he acquentit the ladie Fren-draucht of his maisters stay with our said trustie cousing that nycht, and how that upoun the moirne thairefter he was to cum hame with the convoy, guaird, and companie of the said Lord Vicount of Melgwme, sone to our said trustie cousing, and remanent persones foirsaidis; Lykas, according to the said repourt and declaratioun sua maid be him, the said laird of Fren-draucht his maister haiveing remanet all that nycht with our said trustie cousing, weill and louinglie interteinat be him and his ladie within thair said place of the Boig, quha upone the moirne thaireftir tuik his guid nycht or fairweill, being the aucht day of the said monethe of October,

and coming to the convoy and companie of the said Lord Vicount of Melgwme, the said laird of Rothiemay, and thair servandis and followeris above writtin, saiffie hame to the said laird of Fren draucht, the said John Vicount of Melgwme being altogidder resolutit at that time, with his companie, to return bak to his father to the said place of the Boig, nawayis myndfull to have stayit in Fren draucht that nycht ; he, nocht-withstanding thairof, be the earnest requeist, prayer, and intercessioun of the said laird of Fren draucht and his ladie, was forcet and compellit, in loveing and freindlie forme as appeirit, togidder with his hail com panie above writtin, to stay and abyde with thame that nycht, and to soupe with thame ; and eftir supper thair beddis being preparit and maid within the chalmeris of the toure of the said place, and thay in peaceable and maist loveing maner as appeirit, being laid down to rest thameselfis that nicht thairintill, expecting na evill, harme, iniurie, or violent deid to be offerrit or done to thame, or any of thame, within that place. It is of veritie that the said Johnne Tosche, far by the harmeless and innocent persones foirsaidis thair expectatioun, upon quhat devilische instigatioun altogidder unknowin to thame, or to the saidis complineris freindis and kyndismen, in the deid hour of the nycht, when all the peple and servandis of the place war at rest, past secreitlie to ane chalmer quhair ane Thomas Joss, ane of his fellow seruandis within the said place, and ane keiper of the key of the voltis, quhilkis war directlie benethe the toure quhairin the said Lord Vicount of Melgwme, the said laird of Rothiemay, and thare cumpanie lay, and secretly staw and brocht away with him the key out of the said Thomas Joss his breikis and pouches thairof, the said Thomas being in his bed and fast on sleip for the time ; and thairefter came to the said volt or laiche seller benethe the said toure, and haueing openet the dure thairof, and drawin in and convoyit thairintill certane faggottis, tymber, powder, flax, and other combustable mater, provydit and prepared by him, he the said Johnne Tosche, out of ane devilische and disperat humour, fyret the samyn ; be the fyreing and kyndleing quhairof, the said loftingis above the said volt, speciallie the chalmeris of the said toure quhairin the said Lord Vicount, the laird of Rothiemay, and thair servandis and followeris, to the number of sax persones, Cristiane suillis, war maist petiefullie brunt to deid. And sua the said toure of Fren draucht was maist barbarouslie fyret and

brunt, and the noble man, gentillmen, and utheris foirsaidis, than being thairintill, maist lamentable brunt quik to deid be the said Johnne Tosche; and he is airt and pairt thairof comittit upon set purpois, provisioun, precogitat malice, and foirthocht fellonie, in hie and maniefest contempt of our auctoritie and lawis, and in evill example of utheris to commit the lyk, gif the samyn be sufferit to pas over unexamplarie puneist." (Spalding, vol. i. pp. 386, 387.)

The counsel for Tosh objected to the dittay being remitted to the knowledge of an assize, "because the pannel being examinat upon the poyntis of the said dittay be the lordis of his Majesteis Previe Counsall and thair commissioneris, and being put to the tortour thairupon, first to the tortour of the buittis upone the first day of Apryle, 1631, next to the tortour of the pilliewinkis upon the twelf day of July last, the pannall, in all his suffering of bayth the saids tortours, constantly, and upon his grit aith, declairit that he was nawayis the burner of the hous of Fren draucht, actor nor accessorie thairto, or that he knew ony thing anent the burning of the said hous, nor quha war the dooaris thairof; be the quhilk constant denyall, suorne and reiterat in the first and repeited tortour, the pannell hes sufficiently purget the suspitiones, presumptiones, and all probatioun quahatsuevir agains him of the said fact and deid quhairupone he wes tortouret, and hes evacuat the samyn, approvein his innocencie of the said fact and deid quhairupon he wes tortouret, and evincet the treuth thairof, in respect quhairof he aucht to be assoilzeit."

This plea, after much learned discussion, was sustained; and although many additional arguments were adduced by Sir Thomas Hope, the Lord Advocate, against it, the justices-depute and assessors adhered to their former deliverance, so that Tosh was discharged, being ordained, however, in the words of Spalding, "to sit at the cross of Edinburgh with the myter on his heid be the space of twa houris for some speiches he had spoken agains the Marquess."

After the fire of Fren draucht the fortunes of the powerful house of Crichton seemed to wane, and in no long time were extinguished. This partly arose from the adherence of the family to the cause of the Stuarts, and partly from the plunderings, wastings, lawsuits, and fines which resulted from the fire.

The viscount accompanied the Marquis of Montrose in the last ill-fated

expedition which he undertook for his royal master. He was with him at Inverharrow when Montrose was defeated by the Covenanting troops in 1650, and the great general's horse having been killed under him, he was remounted on that of the viscount. Lewis, the last viscount, went to France to join King James VII., for which he was attainted, and he died without issue in 1698.

James, the second viscount, was married to Christian Urquhart, daughter of Sir Alexander Urquhart of Cromarty. After his death, that lady was married to George Morrison of Bognie, whose descendant now enjoys the barony of Fren draught.

While the Laird of Fren draught was thus plunged into many and various troubles, his lady was not without her trials, as will appear from the following summary of the dealings of the Presbytery of Strathbogie with her (Presbytery Book of Strathbogie, pp. xvi-xviii):—

“After the fire, the Laird of Fren draucht removed to his House of Kinnairdie, the lofty remains of which are perched on a knoll rising abruptly from a haugh on the winding banks of the Deveron, about three miles north-east from Fren draucht. The Lady Fren draucht was at this house when she seems to have refused to attend the parish church of Abercherder. Her husband was, however, an active member of the covenanting forces in the district. After a conference with her minister, we find that the lady ‘had resorted to the church, and promised so to continue.’ She and her daughter, Elizabeth, are then summoned for not hearing the word, and not communicating. After a long interval, she is ordered ‘to be dealt with,’ and her final answer obtained. It was then reported, that ‘shoe promised to heir the vord,’ and an endeavour is to be made to get her ‘to keip familie vorship with the rest of the familie.’ She again promises to hear the word, and the General Assembly is consulted about her. In answer to another attempt, she says ‘she will go to the church to which her husband goes, which is not within the bounds of the Presbytery of Strathbogie.’ She gets liberty from the Commissioners of the General Assembly to be ‘ane ordinary hearer at Forgue for a time.’ In 1647, it appears that the House of Fren draucht had been re-edified, and that she lived there ‘for the most part.’ In 1648, she is ordained to be summoned for ‘her avowed papistrie, receipt of masse priests,’ &c. In 1649, several steps are taken towards her

excommunication. She, however, afterwards attends family worship in her own family, and 'promised to heir sermon.' In September 1649 it is stated by the minister of Abercherder, that she had heard three sermons, 'and so, as he thought, shoe intended to continow ane hearer.' The Presbytery were not satisfied with her hearing a sermon 'now and then,' and thought not 'that kynd of heiring satisfactorie,' and therefore required her to subscribe the Covenant, to show her conformity with the Kirk of Scotland; this she refused to do, and her excommunication was ordered to be pronounced. In October 1649, she promised 'to tak the Covenant and consider the same.' In March 1650, we find that she was 'ane ordinare heirer of the vord, but vas not fullie satisfied for subscriyving the Covenant, and that the Laird mad vther ministeris to confer with her.' In June of the same year, she subscribed the Solemne League and Covenant, and abjured 'Poprie in the seuerall headis and articles in the National Covenant.' About a year afterwards, it would appear that another conference took place, at which she satisfied the brethren; but, in 1652, we find that she had 'relapsed to poperie,' and that 'she was obstinate, declaring himself to be none of our church, and shee would neither hear herselfe nor suffer hir daughters to heare; professing, moreover, that shoe repented of her former repentance more than of anie sinne that euer shoe committed, and thought shoe had reason to repent all hir lyfe time for subscriyving the National Covenant and Solemn League and Covenant.' She was ordered to be excommunicated."

I ought to state that when James Crichton presented the chalices in question to the church of Forgue, he at the same time made a like gift to the neighbouring parishes of Inverkeithny and Aberchirder, where parts of his great estate were situated. The chalices thus presented bear inscriptions similar to those of the parish of Forgue.

When the circumstances of the laird's position are considered, and the period of his sufferings, it does not seem unreasonable to suppose that the tragedy of the fire may have prompted him to the act, while his elevation to the peerage may have led the son to follow the example of his father when he presented the massive basin inscribed with his arms.

I may state, in conclusion, that the popular feelings on the burning of the tower of Fren draught were enshrined in a ballad which, as I can

bear witness, continued to be sung till late times in the district to a plaintive tune. According to Motherwell,¹ the ballad "has a high degree of poetic merit, and probably was written at the time by an eye-witness of the event which it records; for there is a horrid vivacity of colouring and circumstantial minuteness in the description of the agonies of the unhappy sufferers which none but a spectator could have given."

On this last point a passage from Blakhall's Breiffe Narrative may be quoted. When speaking of the Viscount Melgum and the Laird of Rothiemay, he says:—

"They two being at a window, and whilst their legges were burning, they did sing together 'Te Deum,' which ended, they did tell at the window that their legges being consoomed even to their knees, recommending their soules to God, and the nobleman his wyffe and chyld first to God and then to the king; the baron was not married. They not able to stand longer, fell downe among the fire and were not heard to say any more." (P. 125.)

The fire of Frendraught is the subject of two poems by Arthur Johnstone under the following titles:—"Querela Sophiæ Hayæ Dominæ de Melgein de morte mariti," and "De Joanne Gordonio vice-comite de Melgein et Joanne Gordonio de Rothiemay in arce Frendriaca combustis."²

The version of the ballad by Motherwell is as follows:—

" The eighteenth of October,
A dismal tale to hear,
How good Lord John and Rothiemay
Was both burnt in the fire.

" When steeds was saddled and well bridled
And ready for to ride,
Then out came her and false Frendraught,
Inviting them to bide.

" Said—' Stay this night until we sup,
The morn until we dine;
'Twill be a token of good 'greement
'Twixt your good Lord and mine.'

¹ Minstrelsy Ancient and Modern, p. 161. Glasgow, 1827.

² Delit. Poet. Scot. vol. i. pp. 585, 587.

“ ‘ We’ll turn again,’ said good Lord John—
‘ But no,’ said Rothiemay—
‘ My steed’s trapan’d, my bridle’s broken,
I fear the day I’m fey.’

“ When mass was sung, and bells was rung,
And all men bound for bed,
Then good Lord John and Rothiemay
In one chamber was laid.

“ They had not long cast off their cloaths,
And were but now asleep—
When the weary smoke began to rise,
Likewise the scorching heat.

“ ‘ O waken, waken, Rothiemay,
O waken, brother dear,
And turn you to our Saviour,
There is strong treason here.’

“ When they were dressed in their cloaths,
And ready for to boun ;
The doors and windows was all secur’d
The roof tree burning down.

“ He did him to the wire-window
As fast as he could gang—
Says—‘ Wae to the hands put in the stancheons,
For out we’ll never win.’

“ When he stood at the wire-window,
Most doleful to be seen,
He did espy her, Lady Fren draught,
Who stood upon the green.

“ Cried—‘ Mercy, mercy, Lady Fren draught,
Will ye not sink with sin ?
For first your husband killed my father,
And now you burn his son.’

“ O then out spoke her, Lady Fren draught,
And loudly did she cry—
‘ It were great pity for good Lord John,
But none for Rothiemay.
But the keys are casten in the deep draw well,
Ye cannot get away.’

“ While he stood in this dreadful plight,
Most piteous to be seen,
There called out his servant Gordon,
As he had frantic been.

“ ‘ O loup, O loup, my dear master,
O loup and come to me ;
I’ll catch you in my arms two,
One foot I will not flee.

“ ‘ O loup, O loup, my dear master,
O loup and come away,
I’ll catch you in my arms two,
But Rothiemay may lie.

“ ‘ The fish shall never swim in the flood,
Nor corn grow through the clay,
Nor the fiercest fire that ever was kindled,
Twin me and Rothiemay.’

“ ‘ But I cannot loup, I cannot come,
I cannot win to thee ;
My head’s fast in the wire-window,
My feet burning from me.

“ ‘ My eyes are seething in my head,
My flesh roasting also,
My bowels are boiling with my blood,
Is not that a woeful woe ?

“ ‘ Take here the rings from my white fingers,
That are so long and small,
And give them to my Lady fair,
Where she sits in her hall.

“ ‘So I cannot loup, I cannot come,
I cannot loup to thee—
My earthly part is all consumed,
My spirit but speaks to thee.’

“ Wringing her hands, tearing her hair,
His Lady she was seen,
And thus addressed his servant Gordon,
Where he stood on the green.

“ ‘O wae be to you, George Gordon,
An ill death may you die,
So safe and sound as you stand there,
And my Lord bereaved from me.’

“ ‘I bad him loup, I bad him come,
I bad him loup to me,
I’d catch him in my arms two,
A foot I should not flee.

“ ‘He threw me the rings from his white fingers,
Which were so long and small,
To give to you his Lady fair,
Where you sat in your hall.’

“ Sophia Hay, Sophia Hay,
O bonny Sophia was her name—
Her waiting maid put on her cloaths,
But I wat she tore them off again.

“ And aft she cried, ‘Ohon! alas, alas,
A sair heart’s ill to win;
I wan a sair heart when I married him,
And the day it’s well return’d again.’”