

III.

NOTES ON A DEED BY LADY MARGARET DOUGLAS OF LOCHLEVEN.
DATED 16TH OCTOBER 1560. BY CHARLES HENDERSON, S.S.C.,
F.S.A. SCOT.

I had occasion sometime ago to make an investigation into the history of certain lands in the parish of Cameron, in Fifeshire, belonging to Colonel John Anstruther Thomson of Charleton, and in doing so I found the Deed, which is exhibited by his kind permission.

In the phraseology of feudal conveyancing, it is a Procuratory of Resignation. In other words, it is a warrant granted by Lady Douglas the owner of certain lands in Fifeshire, for the purpose of rendering these back to the Over Lord or Feudal Superior, with the view of his giving a new Grant or Charter to George Lermouth of Balcomy, in the east of Fife, the purchaser from her. In short, the object of the Deed is to effect a transfer of the lands from Lady Douglas to Mr. George Lermouth.

That which I deem to be interesting in this Deed, consists mainly in its being granted by, and thus bearing the signature of, a lady who, and whose children, were conspicuous in the tragic events of Scottish history which transpired within a few years after its date.

The granter of the Deed was Lady Margaret Erskine, then the widow of Sir Robert Douglas of Lochleven. It was signed by her at Lochleven in her maiden name of "Margaret Erskyn," and as Lady of Lochleven. It was not unusual for married ladies to sign their maiden names at this date, and it was a general custom to do so when they became widows. Lady Margaret Douglas was the mother of the Regent Murray, who, as is well known, was an illegitimate son of James the Fifth. It so happens that he (the son) is named in the Deed as "ane nobill and mighty Lord James Stewart," and Lady Douglas authorised her procurators and agents to appear before him as the superior of the lands, he, holding such character as "commendator of Saint Andrews, and Convent of ye same." Lady Douglas was also the mother of Sir William Douglas of Lochleven, to whose custody Queen Mary was committed in his castle at Lochleven

on 17th June 1567. Lady Douglas herself lived at Lochleven Castle during Queen Mary's imprisonment, and was practically the custodian of the Queen's person. Further, it was her son George Douglas, who, with Lord Seton and Sir James Hamilton, aided the Queen's escape to Niddrie Castle on 2nd May 1568, and afterwards to Hamilton, and fought for her at Langside on the 13th of that month; while the elder brother Sir William Douglas took part with the Regent's army, and is said, by his skill and bravery, to have materially contributed to the defeat of the Queen's forces, which proved the ruin of her cause, and the prelude of her doom.

In the opening of the 21st chapter of the *Abbot*, Sir Walter Scott gives a graphic description of Lady Douglas.

We do not expect historical accuracy even in Sir Walter Scott's Novels, but I may notice that Sir Walter speaks of Lady Douglas as the wife of Sir *William* Douglas, which this Deed proves to be a mistake, as she describes herself in it as the widow of Sir *Robert* Douglas. Sir William Douglas was her eldest son. However, it is more important to notice that Principal Robertson, in his *History of Scotland*, states that Lady Douglas was the wife of Sir *William*, to whom Queen Mary was committed, while in fact she was his mother (Book 5). Mr Tytler and Mr Burton, however, give the true account of the relationship, and this Deed confirms them.

In thinking of the personages named in the Deed under consideration, and the time when it was granted, one is reminded how memorable a year 1560 was in Scottish history. In it Mary of Lorraine, the Queen Regent of Scotland, died. In it the French forces, which had come to the aid of the Queen Regent against the Lords of the Congregation, as well as Queen Elizabeth's troops, which were in Scotland to aid these Lords, both departed from Scotland, and left the natives for some time to fight out their own quarrels. Shortly thereafter, and in the same year, the Scots Parliament established the Reformed religion, and prohibited the Roman Catholic system. George Lermonth of Balcomy, in whose favour the Deed was granted, sat in this parliament; and finally, at the

close of 1560, Francis II. of France, the husband of Queen Mary, died, this being certainly an event very vital, as affecting the subsequent history of our country.

In books of Scots history, the Regent Murray is usually described as Prior of St. Andrews, which was a title applicable to an ecclesiastic, but he was not such, being in fact a soldier, and he never assumed an ecclesiastical title. The Deed properly describes him as Commendator of the Convent of St. Andrews, which is the title applicable to a *locum tenens*.

Mr. Burton remarks on the absence of any information as to the condition or style of Lochleven Castle as a residence, there being no mention anywhere of the matter, and it is impossible in his opinion to form any correct idea on the subject from the existing ruins. This Deed shows that, a few years prior to Queen Mary's abode there, and presumably at that time, Lochleven Castle was suitable, and was actually used as the house of a lady of rank. Leaving out of view, therefore, the fact that the Queen's stay there was compulsory and under restraint, the place cannot be held to have been selected from any wish to demean the Queen, or to put her in a residence which was in itself degrading. It seems obvious that the place was chosen for its seclusion and security alone.

The Deed is interesting to feudal lawyers for its brevity and completeness, and as a contrast to the elaborateness and prolixity developed in after ages in the preparation of similar deeds. It bears to have been signed before three witnesses and "others divors," that is several others, but none of them sign the Deed. It was not imperative that witnesses should sign until the year 1681, when an Act was passed providing that only subscribing witnesses should be recognised.

Deed referred to in the foregoing Notes.

Be it kend till all men be thir present letters me Margaret Erskyn relict of umquhile Robert Douglass of Lochlevin and Feufirmorar of the Lands of Northbank wyth the pertinents to haif maid constitut and ordanit and be thir present letters makis constitutis and ordanis honorable men and my weil belovittis Maister Alane Lamonth and David Orme and Thomas Arklay,

and ilk ane of them conjunctly and severally my warray lawfull and undoutit Procurators Attorneys Factors and special errand Beraris givand grantand and committand to my saids Procurators or to ony ane of them my full fre plane power special mandiment express bidding command and charge for me and in my name and behalf to pass to the personal presens of ane nobill and mighty Lord James Stewart Comendator of Sanct Andrews and Convent of the same upon quhatsumevir day or days place or places and thair in my name and behalf to resign and freely ourgift in thair hands All and Hail the saids Lands of Northbank wyth the pertinents liand wyt-in the Regalitie of Sanct Andrews and Sheriffdome of Fyff as in the hands of the Superior therof in favors of ane honorable man George Lermonth of Balcomy for heritibill infeftment to be given to hym of the foresaids lands in feu ferme and heritably after his deceisyt to John Lermonth his son his airs and assignais wyth all rycht and titill of rycht clame propertie and possessione quhilk I had hes or any wayis may clame or haif to the foresaids Lands of Northbank wyt the pertinents in ony time to cum renunciand the samyn for me my airis and assignais for now and ever to the effect the said George Lermonth may be heritable infest in the foresaids lands wyt the pertinents in maner above expremitt and after his deceist to the said John Lermonth his son his airis and assignais and therupon Instruments and Documents to ask lift and rais and generally all and quhatsumiver my said Procurators conjunctly and severally in the premissis lawfullie bides to be done in my name and to stand and abide at ye same firme and stabill, haldand and for to hald and to stand for thame in judgment and outouth, giff neid beis, under the panis of my guds movable and immovable, and I never to come in the contrar hairto. In witness of the whilk thing to thir my present Letters of procuratory I haif subscrivit the samen wyth my hand my sele is hairto affixit at Lochleven the XVI day of October the yeir of God j^m v^c and threescore yeres before thir witnesses Patrick Heburn of Tullibole, Henry Douglas of Muckhart Mill, James Demsterton wyt others divers.

MARGARET ERSKYN

Lady of Lochleven.