

## CHAPTER IX.

### JOHN, 9TH LORD FORBES.

Born, 1570. Succeeded, 1606. Died, 1606.

(Brother Archangel the Second.)

SECOND son of the first marriage of John, 8th Lord Forbes, now considered to have been the 9th Lord Forbes for the five weeks intervening between his father's death on June 29th, 1606, and his own death on August 2nd following. John was born in the end of 1570—presumably at Druminnor, being the youngest child of John, 8th Lord Forbes, by his first wife, Margaret Gordon, and died on August 2nd, 1606, being in his 36th year.

A portrait of him is at Castle Forbes and is here reproduced.

The title of the second but eldest surviving son of the 8th Lord Forbes to have succeeded his father calls for some explanation, since it was ignored for three centuries. Up to the year 1906 it was usually assumed that John, 8th Lord Forbes, was succeeded on his death, June 29th, 1606, by the eldest son of his second marriage, Arthur, who had been known for many years, officially, as Master of Forbes, and in whose favour his father had executed the deed of succession on page 145.

Scottish historians, lawyers, peerage writers, etc., had uniformly denominated Arthur as the 9th Lord; the numbering of all the subsequent Lords being one less than at present. In the edition of *Burke's Peerage* for 1907 the name of John the 9th appears for the first time. The *New Scots Peerage*, Vol. 4, appeared in the same year, and as it was, of course, in type the year before publication, the change is probably due to the writer of the article "Forbes"—J.A., LL.D.—Colonel Allardyce, an industrious collector of Forbes material, but not specially trained in Scots Peerage Law.

The *Registrum de Forbes* and other family papers give *no suggestion* that the disinherited John, who had for many years been a monk in a foreign land, could possibly be held to have succeeded to either title or estates, though it was quite well known that he had outlived his father for more than a month in the summer of 1606. It was also matter of common knowledge that the 8th Lord Forbes had intended (and had pledged himself to the king)<sup>1</sup> that this Roman Catholic son of his, who had lived since boyhood

<sup>1</sup> See page 145.

in a foreign country, should not inherit his name or his titles, and for three hundred years the matter was unquestioned, and every peerage and book of honours and titles or handbook of reference<sup>1</sup> gave Arthur, who succeeded in 1606, as 9th Lord Forbes; Alexander (the soldier of fortune under the great Gustavus), as the 10th, and so on down to Horace Courtenay, son of Walter, who succeeded in 1868 as 19th Lord.

Some two years after his accession to the family dignities, whether through study of the family papers or otherwise, some doubt seems to have assailed the new 19th Lord Forbes as to his proper numbering in the succession, and he consulted the best authorities he knew, with the following result:—

COPY LETTER, WILLIAM F. SKENE, ESQ., TO MR. ROBERTSON, DATED EDINBURGH,  
OCTOBER 26TH, 1870.

“ I duly received your note wishing an authoritative opinion as to whether Lord Forbes is 19th or 20th Baron and I thought the best mode of getting you a *quasi* official opinion was to send your note to the Lord Lyon. I now enclose his reply for Lord Forbes' information. The point seems to turn on whether John, eldest son of John, 8th Lord, made up a title to the Barony on his father's death<sup>2</sup> or whether the 8th Lord was immediately succeeded by his second son.

“ There was an Inventory of the family papers made up many years ago by Cosmo Innes in which if I recollect right the titles and papers are classed under each Lord in succession and I have no doubt if you refer to that Inventory it will clear up the point.

“ Copy inclosure, dated Lyon Office,  
Edinburgh, 25th Oct. 1870.

“ The question whether Lord Forbes is the 19th or 20th Baron depends on whether John eldest son (and only<sup>3</sup> son of his first marriage) of John, 8th Lord Forbes, can be considered to have succeeded to the barony. By a second marriage, the 8th Lord Forbes had a second son, Arthur, who certainly soon after his father's death was recognised as Lord Forbes. The eldest son was a member of a religious order abroad, and if he did not actually predecease his father, seems to have been passed over in the succession. A charter is quoted in Wood's Douglas from Macfarlane's Collections dated 20th December 1598, of the *lordship* and *barony* of *Forbes* to Arthur Forbes, eldest son of John Forbes by Janet Seyton his wife, and the heirs male of his body, whom failing to Arthur's only brother David, whom failing to Lord Forbes' second brother etc in succession. If this charter be in Lord Forbes' possession, it may perhaps help to clear up the

<sup>1</sup> Except Lodge's *Peerage*, edited by the somewhat erratic writer, John Foster. It is not known on what particular grounds he differed from his confrères.

<sup>2</sup> Skene thus adhered to the view still held by Scots lawyers that, till at least the end of the sixteenth century, “ the dignity of Peerage ” pertained to the chief message of the family, and the title to *it*. John of course did not make up a title, being probably quite unaware of his father's death. (No titles were, however, made up by the boy Francis, 15th Lord, whose succession has never been disputed.)

<sup>3</sup> Only surviving.

point.<sup>1</sup> If alive then, it seems very probable this Charter was granted for the purpose of excluding John, as a foreign Ecclesiastic, from the succession. I do not consider that I have materials before me to pronounce positively on the question, but in default of evidence to the contrary, I would presume that the older writers were right, according to whom the present Lord Forbes must be accounted 19th Baron, rather than Lodge, who in his genealogical volume counts John, the eldest son of the 8th Lord as his father's successor and 9th Lord Forbes, and according to whom the present Lord Forbes is the 20th.

“ Believe me to be, etc. G.B.”<sup>2</sup>

About 35 years later the question seems to have come up again, it has been impossible to discover how; all the authorities denying that they individually were responsible for it. It has not even been possible to find out whether Colonel Allardyce, who wrote the account of the Lords Forbes for Sir James Balfour Paul, editor of the *New Scots Peerage*, was the first to print the new numbering of the Lords, inserting John as the 9th, and was the model followed by others. The date of that volume is 1907, and the 1907 edition of Burke was the first to make the same alteration, but the present editor of the latter does not know on *whose* authority this was done by his predecessor. By the time the *Complete Peerage* reached the letter F, the new numbering was generally accepted, and the Lord Forbes who had succeeded in 1868 as 19th Baron now found himself universally denominated as 20th. As late as 1880 he had caused to be erected in the Guards' Chapel, memorials to his father as the 18th Baron and to two uncles.<sup>3</sup> His own reaction to the change is believed to have been inimical. The fact that the change arose in 1906 seems, as far as can be ascertained, to be due to the fact that Colonel Allardyce was influenced by a decision on the Earldom of Norfolk in that year, the particulars of which are outside the scope of this enquiry, but which went to prove that an English peerage or one of Great Britain *cannot be resigned*, although such Resignations were a regular feature of the Peerage in Scotland, and held good even down to the date of the Union.<sup>4</sup> English Peerage law, however, now too often over-rides that of the northern kingdom and thus has, though unofficially and without any pronouncement, altered the numbering of the Lords Forbes.

<sup>1</sup> It does not appear to have occurred to the authorities consulted that Lord Forbes would presumably have looked at his own family records before applying to them. As already stated, these records give no exact information on the question.

<sup>2</sup> George Burnett, Lord Lyon, 1866 to 1890.

<sup>3</sup> And stated, on the memorials, that he himself was the 19th.

<sup>4</sup> Moreover, the title of Master as heir-apparent to a higher title (and borne by Arthur) was a definite dignity in the peerage of Scotland, as proved by the inability of “Masters” to be members of the House of Commons, and other recognitions of their position; but, as said above, the weight of English precedent is now stronger than that of ancient Scottish custom; and it is unlikely that the nomenclature and numbering of the Lords Forbes will again be changed.



Fr. Archangelus Securus Concionator Capucinus, Serenissimi Ducibus de Forbes, Regiæque  
 Bavarie, Stirie, Soria oriundus, Caubini de la tra regens, imperio ac intuitu Catholicam fidem ample  
 xit, ut alter Mexicus uxore sibi paratam intactam relinquens, exeteras regiones ignotus arripuit, sed  
 nationem perfectionem exoptans, Capucinum religionem ingrediens, in eorum omnium Virginitate  
 enervatus, pesti correptus, Harinaus Victoria occubuit. Ann. Dom. 1606

BROTHER ARCHANGEL—JOHN, 9TH LORD FORBES.

(From portrait at Castle Forbes.)

## NOTE

In 1955, The Lord Lyon King of Arms wrote to Lord Forbes, stating that as the law and practice stood down to about 1612-15 (and certainly in 1598), the fact that John Forbes (1570-1606), known as Brother Archangel the Second, became a monk, effectively divested him of his right to succeed to the dignity and title. Accordingly, Arthur (1581-1641) succeeded as 9th Lord Forbes on the death of his father in 1606.

The Lord Lyon King of Arms furthermore pointed out that John 8th Lord Forbes (1542-1606), having made a charter in 1598 passing over his eldest surviving son John, Brother Archangel the Second, did not disinherit his son, as in the English or modern concept, but used the principle that the father selected the most suitable son to be his successor. In this case, John, Brother Archangel the Second, had become a monk, and consequently it was reasonable and proper that his next brother, Arthur, should be put into the succession instead of him, as was duly done under normal procedure by the charter of 1598.

The effect of the above is that John (1570-1606) never succeeded to the title of Lord Forbes; instead, Arthur (1581-1641) became the 9th Lord Forbes, and the numbers of subsequent Lord Forbes's in this text should *be reduced by one* up to Atholl Laurence Cunyngham (1882-1953), who was the 21st Lord Forbes.