

James, 15th Lord Forbes



JAMES, 16TH LORD FORBES—JACOBITE AND MYSTIC.

*(From portrait at Castle Forbes.)*



ELIZABETH GORDON OF COBAIRDY.  
Second Wife of 16th Lord Forbes.  
*(From portrait at Castle Forbes.)*

## CHAPTER XVI.

### JAMES, 16TH LORD FORBES.

Born, 1689. Succeeded, 1734. Died, 1761.

JAMES, the second son of the 13th Lord Forbes, succeeded his young nephew when he himself was already 45 years old, and had the greater part of an active life behind him.

Of his doings before the Jacobite Rising of 1715 not much record exists, but he was undoubtedly always in his youth a sympathiser with the Stuart cause.

Born in the year of Killiecrankie, he was 26 when the Jacobite standard was raised at Braemar (September 6th, 1715), and in spite of his intimate association (and real sympathy) with the Quietist and Mystic movement in France at this period,<sup>1</sup> he seems, unlike his elder brother William, to have hastened back to Scotland to bear his part in the Rising. He went on September 28th, 1715, by sea from London to Aberdeen, and the references to him in the *Stuart Papers* show him to have taken a useful share in Mar's campaign.

David Lumsden of Cushnie, writing to John Gordon of Glenbucket on December 6th, 1715, acknowledges the receipt of Glenbucket's letter which he has sent on to Putachie (not yet called Castle Forbes), but "hearing to-day that Mr. James Forbes was at Aberdeen I have sent another express, to know if he has a mind to march Northward with what assistance he can make and I expect his answer to-night."

After Sheriffmuir and the dispersal of the Highland army, James Forbes seems to have gone into hiding, but nearly a year later he writes to Mar from Rotterdam, October 5th, 1716, "I have been obliged to come over here and Dr. Garden who was in prison (another Quietist) is come over with me. We designed to have come into France, but were advised by our friends here to stay till we had a return from you how far you would approve of it." Mar replied from Avignon in a quite friendly letter, congratulating James Forbes and Dr. Garden on their escape—but recommending that they should both remain in Holland. At the court of King James Stuart at Avignon there were already too many Scottish refugees; according to papers still at Avignon, there were at one time over 500.

<sup>1</sup> His connection with Madame Guyon and the Quietist movement has been so fully and ably treated by Professor G. D. Henderson in his *Mystics of the North-East*, Third Spalding Club, 1934, that it is merely alluded to here.

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After the lapse of another year, in October 1717, James Forbes received a licence to return to Scotland. (*Public Record Office*.) There are at Castle Forbes no papers connected with his Jacobite sympathies. Anything of that nature would no doubt have been destroyed, since his father was definitely on the other side.

It will be seen that, of the 16th Lord Forbes, who had been so good a Jacobite in 1715, the Association formed in 1740 to promote another Stuart Rising had still great hopes.

The prominent men connected with the preliminaries, who signed the famous letter to Cardinal Fleury were (in *this* order and thus written):—  
Le Duc de Perth.

(James, the 3rd Duke, who was then only 18 years of age and had recently returned to Scotland from his education in France.)

Le Lord John Drummond de Perth.

(Uncle of the 3rd Duke and afterwards himself the 5th Duke.)

My Lord Lovat (executed in 1747).

Milord Linton (afterwards Traquair).

Cameron, Baron de Locheil (Donald Cameron).

Le Chevalier Campbell d'Achinbreck.

Mr. Greiger, baron de Balhaldies.<sup>1</sup>

Along with their letter (signed and sealed by all of them, and now lying in the French Foreign Office) was a list, drawn up by Perth, of the numbers of men which the various chiefs would be able to put into the field in the Jacobite interest.

In preparing his volume on the *Origins of the '45* for the Scottish History Society, issued in 1909 and again in 1915, Dr. Walter Blaikie was most anxious to discover this list, and one of the present writers went to Paris in 1912 on his behalf to hunt for it, but unsuccessfully. There is no doubt that it was received by Cardinal Fleury, but was *not* laid up with the sealed document, of date March 13th, 1741, which is docketed "Lettre de quelques Seigneurs écossais au Cardinal de Fleury."

Quite recently, however, the present writers were fortunate enough to light upon a contemporary duplicate of the list, doubtless sent by Perth to King James in Rome, and now among the Stuart papers at Windsor. It is so interesting that it is printed in full as Appendix, page 255, and from it the curious fact emerges that, although he had given *no* proof of continued interest in the Cause, the 16th Lord Forbes was counted upon to put into the field 600 men, as part of the grand total of sixteen thousand believed to be ready for a Jacobite Rising, at least in 1741.<sup>2</sup>

<sup>1</sup> It will be noted that among these signatories there is *no one* from the North-East of Scotland, and only two, Perth and Lochiel, did any real work for the Cause in 1745.

<sup>2</sup> In 1744 the figure was given as 19,000, according to a letter from the Earl Marischal at Windsor.

The fact being that, in 1745, as is now well known, Lord Forbes did *nothing*, being a man of nearly sixty.<sup>1</sup>

The Presbyterian minister (who wrote *The Memoirs of the Rebellion in Aberdeen and Banff*, quoted by Dr. Blaikie) in commenting on the fact that none of the nobility of Aberdeenshire appeared for the Government, explains Lord Forbes's inactivity by saying that he "had by no means an estate suited to his ability, even though he had inclined to appear." The writer probably knew quite well that Lord Forbes had once been a Stuart supporter, though he was so no longer. Both his first wife, sister of Lord Pitsligo, and his second, sister of Sir William Gordon and James Gordon of Cobairdy, were ardent Jacobites; all three of these brothers-in-law were later to be on the list of exceptions to the Act of Indemnity of 1747, and one of them was also his son-in-law. (See next page.) But James, Lord Forbes, was a different man in 1745 from the irresponsible younger son who had gone out so gaily in 1715.<sup>2</sup>

He had married, before the Rising of 1715, Mary,<sup>3</sup> the widowed sister of Alexander, 4th Lord Pitsligo, the famous Jacobite who fought in both the Risings of 1715 and 1745, was attainted for his share in the latter and died, still a hunted fugitive, in 1762, aged 84. On the death, in 1781, of Lord Pitsligo's only son, the grandson of his sister Mary (above), William Forbes became "heir of line of Pitsligo," but this was *not* a son of Lord Forbes, but of Mary's previous husband, John Forbes, younger of Monymusk, who had died of consumption in 1706. (See page 303.)

The widowed Mary Forbes and Lord Forbes had four children. Three daughters, who all married prominent Jacobites.

1. Sophia, born 1716, married 1740, Charles Cumine of Kininmonth, who had raised a troop of horse and joined Lord Pitsligo and the Prince in 1745, but was in no way distinguished in the Rising, and returned to Aberdeenshire, where he remained in hiding while the masterful Sophia went to London to obtain his pardon. She represented to King George, at a personal interview, that her father and all her family were loyal to the Crown (she must have hoped no one would remember her father's Jacobite activities in 1715, before she was born) and that it was hard she and her children should be reduced to beggary because "her husband was a fool." George II. laughed and said that in that case the man was not worth the trouble of "bringing to the block," and instead, restored his estates. Charles Cumine died in 1764, but Sophia survived until 1790.

<sup>1</sup> Though that in itself was no bar to Jacobite activities, as shown by examples of Lord Pitsligo, Glenbucket, and others. Want of means was also, as seen above, urged as an excuse for Lord Forbes's inaction; it was more probably the same caution which had kept his father on the Government side, thirty years earlier.

<sup>2</sup> According to a letter, quoted under Lord Pitsligo, he had made his peace with the Government and received a pension before this date.

<sup>3</sup> For her marriage settlement see Appendix, page 255.

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2. Mary, the date of whose birth is not known, married James Gordon of Cobairdy (son of Sir James Gordon of Park, a Jacobite of the '15), and half-brother of Sir William Gordon, who was, like himself, a prominent Jacobite of the '45.

Cobairdy escaped to France after Culloden and had a pension from the French king. Although one of the eighty-three persons specially excepted from the Act of Indemnity of 1747, he ventured to return to Scotland in 1762, and in the following January, Jean, sister of Andrew Hay, another exiled Jacobite (who himself still feared to return), writing to her brother, says: "It's some time since Cowbairdy, his lady, sons and daughters came to Putachie. They are just now at Park with Captain Gordon, where they purpose staying sometime. Cowbairdy, I hear, and his lady, looks well and are in very good spirits."<sup>1</sup>

Later, James Gordon asked Lord Fife to obtain a pardon for him, but was advised by the latter and Lord Suffolk "to remain quiet, provided he was not molested."<sup>2</sup>

As already mentioned, James Gordon of Cobairdy was both brother-in-law and son-in-law to Lord Forbes. A curious consequence of this double connection is noted in a letter from the same Andrew Hay of Rannes, who, writing to his mother from Paris, says:—

"20 Aug. 1758.

"Cobairdy and family are gone to live at Diep in Normandy. By what I hear, its neither cheap nor an agreeable residence. Since ever I came abroad, Cobairdy has never once mentioned the small debt that he owes to you. I am persuaded that he, as well as others, have use for all their funds for liveing. But I think that you may write a polite letter to Lord Forbes to ask payment of that debt, if it's convenient for him to pay it."<sup>1</sup>

(There is no record of whether it were paid or not!)

3. The third daughter was Anne, born 1723, who married on November 30th, 1746, as his second wife, Thomas Erskine of Pittodrie, eldest son of William Erskine, 6th Laird.

He was one of the most active of the Aberdeenshire Jacobites in 1715, being then a young man and a personal friend of the Earl Marischal and Gordon of Auchintoul. He was not one of those proscribed and did not lose his estate. In 1745 it was hoped he would "come out" again and the Prince intended to appoint him Lord Lieutenant of Aberdeenshire, but Erskine excused himself from doing anything active on account of his age, though he sent money to the cause.

Thomas Erskine survived his father-in-law by nine months, but his young second wife, whom he had only married at the close of the Rising, died in 1750.<sup>3</sup>

<sup>1</sup> Leith-Hall papers.

<sup>2</sup> Duff family papers.

<sup>3</sup> A letter from him is in the Appendix, page 258.

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The fourth and youngest child of the 16th Lord Forbes was his son James, afterwards the 17th Lord.

Lord Forbes married, secondly, in 1741, Elizabeth, daughter of Sir James Gordon of Park, sister of Sir William Gordon and half-sister of James Gordon of Cobairdy, who had married his daughter Mary. There were no children by this marriage.

In 1757 there was a lawsuit between the 16th Lord Forbes and the mother of the late Lord, Dorothy Dale (who did not die until 1777) as to the patronage of the Church of Forbes and Kearn, to which both parties had presented a nominee. There is something very curious in the spectacle of an Englishwoman, who during her husband's life-time never seems to have been in Scotland, selecting a Scots minister. The General Assembly, however, decided in favour of his Lordship's nominee.

At the time of her death Dorothy, or Dorothea (see page 244), Dowager Lady Forbes, was in Edinburgh.

The declining years of the 16th Lord were spent quietly at Putachie. Four letters from his son describing his last days are here given, they are part of an extremely interesting series written to William King, younger of Newmiln, Elgin, preserved at Kininvie and printed by the kind permission of Mrs. Archibald Leslie. According to Dr. Cheyne, the 16th Lord was a man of very sweet temper. The household at Putachie would otherwise have been a difficult one to run, consisting as it did of himself and second wife, Elizabeth Gordon, his son and son's wife, only 20 when he himself died, and the latter's mother, the Dowager Lady Innes, who died after falling down stairs in 1765, apparently at an advanced age.

“ Putachie.

Saturday night Nov. 22. 1760.

“ Dr. Sir,

“ Some posts ago I was favour'd with your obliging letter dated the 11th. At present have not time nor Spirits to answer it fully, as I am by this to Acquaint you that this Morning about 8 a Clock my Wife was brought to bed of a Daughter, the poor Infant did not live an hour, and I buried it a little while ago : My Wife, thank God, hitherto is as well as her Situation, and the Shock she has mett with will admitt of ; and we hope and trust in God for her happy Recovery : This has hurt us all and Especially poor Lady Innes and my Father: but I hope they have too much Religion and too good Sense to let it affectt their health . . . . . Ja. Forbes.

“ . . . . . ”

“ Putachie, Decr. 31st. 1760.

“ Dr. Sir,

“ Tho I am in hopes you are set out for this Country, yet as I know it will be agreeable to your good Family to know how we are, I write this Scrawl, directed for Newmiln in your absence, to let you know we are all in tolerable health :

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Only my Lord <sup>1</sup> weak and low as usuall : The Ladys all well : and my Wife brave and strong ; I have kept a pretty young woman with 1500 guineas in her pockett this month past in the hopes of seeing you : Come soon : She is here just now with Brux, and we are just going to drink a good new year to you all : Excuse haste from one impatient to see and Converse with you but who is and ever will be My dearest Willie, your affect,

“ Ja. Forbes.”

“ Putachie, Feby. 16th 1761.

“ Dr. Sir,

“ Yours of the 7th came only to hand last night, how or where it had layen so long I don't know ; I am glad you got well home and found all Friends in good health, as I hope the Cold is by this time left the Honest Old Friar.<sup>2</sup> We have such a Storm of Frost and Snow here just now that I don't know when this will Reach you : how soon it does will hope for an answer, with a full detail of the Congress at Castle Crazy ; for the noble and worthy Proprietor of which I have this day wrote a long Epistle, but a Dull one, as it Chiefly consists of an account of my Lords Situation, who has been vastly distress'd these ten days past, Chiefly for want of Passage in his Belly, which all the Injections and things he has taken cant Relieve ; and I have sent two Expresses for the Doctor, whom I expect every Minute, but I doubt if he can do any good ; my Lord's weakness daily increases and his Bones and Skin are quite sore, so that were it the Will of God I believe he wishes to be at Rest, as there are little hopes of his Recovery ; till we see what happens to him, I can do nothing nor go no where : You saw all my Correspondence with Ly Dowager. I have one more letter from her refusing my offers and denouncing Destruction to us all : so the Correspondence is at an End. When any Change happens here you shall know. Write me as often as you can with all your news as it is a great amusement to us. . . .

“ Your affect.

“ Ja. Forbes.”

“ Putachie House, March 1st 1761.

“ My Dr. Sir,

“ I was duly favour'd with yours of the 21st and Really think you had a fine Ball of it, but you should have been degraded for coming among Ladys with Spurr as if they wanted such tools to give them Spirits, perhaps you thought Old Maids wanted a Spurr, some rather need a Curb and Briddle : your kind sympathising letter of the 25th came to hand on Fridday Night and thank you for your Expressions of goodness in Regard to the Memory of my dear Lord,<sup>3</sup> who had a Sincere and Unfeign'd Esteem for your worthy Father and Mother, and assure them I shall for ever look on them both as Parents to me, and the Rest of you as Brothers and Sisters. . . .

“ Our Law Matters must now stop for a twelve month : and Lady Innes,

<sup>1</sup> James, 16th Lord Forbes, who died February 20th, 1761.

<sup>2</sup> William King, senior, lived in the Grey Friars.

<sup>3</sup> Who had died a week before this date.



my wife and I are only Boarders with my Mother in Law,<sup>1</sup> but we wont disagree.  
 . . .”

The 16th Lord Forbes was buried in the old churchyard of Keig, in the policies of Castle Forbes, where the following inscription is on the east gable :

“ Here by his own appointment is interred the Rt Hon James the XVI<sup>2</sup>  
 Lord Forbes, who died February 20th 1761 in the 73rd year of  
 his age at Putachie, the place of his birth.”

APPENDIX FOR JAMES, 16TH LORD FORBES.

P. 251. The first Lady Forbes had an instrument of Sasine, dated 1718, two years after the death of her father-in-law, William, 13th Lord Forbes.

“ Instrumentum Sasinæ Magistræ Mariæ Forbes, relictæ quondam Joannis Forbes junioris de Moniemusk, nunc sponsæ Magistri Jacobi Forbes de Putachie fratris Gulielmi Domini Forbes, in vitali reddito et Domini Gulielmi Forbes de Moniemusk, (ejus et dicti quondam Joannis filii) in feodo.

“ Annui redditus £1,440 vel talis annui redditus qualis correspondebit principali summa £24,000, de terris dominii de Forbes levando. Super hereditariam obligationem per Gulielmum Dominum Forbes concessam, sicut heredem deservitum de mortui Gulielmi domini Forbes, de data apud Putachie 17 Nov. 1718.”

FROM THE “STUART PAPERS” AT WINDSOR.

P. 250. “ An Account of the Numbers the Highlanders can bring out, which the Duke of Perth got from themselves—1740-41.

“ The Duke of Gordon can raise eight hundred horse, and 4 hundred Highlanders without reckoning any of the Macfersons, or any of his men in Badenoch, and several other parts of the Highlands to which he is superior, but they have Chiefs of ther own which they folow ; so that his greatest strenth is in horse, all composed of gentlemen, and most of them of his own name, But they will act according to ther own principles so that if the Duke of Gordon, as he is a young man, did not act the part he should, they would all of them folow General Gordon.

“ The Duke of Perth will raise twelve hundred men besides Montith men and Magrigers that would join him, as well as a good many of the rest of the Montith people, that belong to the D. of Montrose, They would be headed by David Grame now an officer in the Dutch Service, he is a clever young man : Ther would be likewise some Buchanans.

<sup>1</sup> His step-mother, Elizabeth Gordon, Lady Forbes, an admirable woman whose virtues were chronicled in a long obituary notice in the *Gentleman's Magazine*, and also in the *Scots Magazine* on the occasion of her death, June 12th, 1792, in her 72nd year.

<sup>2</sup> The description of James, Lord Forbes, the Jacobite of 1751, on his memorial stone, is extremely puzzling, as throughout his life he was known as the 15th Lord, his son James, who died in 1804, as the 16th, and James, who died in 1843, as the 17th. *Vide* the obituary notices in the *Gentleman's Magazine*, *Aberdeen Journal*, etc. As already stated in this work, the modern numbering of the Lords Forbes dates from 1906-07.

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" The Duke of Mar used to raise seven hundred men, as his superiority is sold to L. Braco the men are reckned to follow him, but they will all follow the Duke of Mar if he does his duty, which is not doubted, however in all events they will rise among the first ; They are in Stradone and Strady, [Strathdee] and would be raised by Farkerson of Indercale<sup>1</sup> and C. Forbes.<sup>2</sup> Lord Braico has got over from Holand 500 stand of armes to give to his Highland men to make himself agreeable to them, which they scrupled to take because that his crest was upon them till they were advised to take them by some of the kings friends. Braicos great ambition is to be a Peer of England which would bribe him to any side,<sup>3</sup> he has likewise a hundred men in Balveny, and other parts of the Highlands which would join tho he should not appear himself.

" Lord Lovet can bring at least 800 men ; his character is too well known to want information. If he has any principle, it is loyalty. Tho he should be delt with in the most cautious manner yet he must be cajoled in some way or other, for he can be of infinit use to the kings affairs ; for the Earle of Sotherland, Lord Rae, the Grantes, Monroes, and some Invernes people, which are almost the only people agent us in Scotland, can be no consequence but joined by Lord Lovet, whereas he stands in the middle of them and can hinder them from joining.

" These are all noblemen who have some following and interest upon the north side of Forth.

" The Earle of Morry	<i>Lord Forbes</i>
" The Earle of Weems	Lord Salton
" The Earle of Aberdeen	Lord Pitsligo
" C of Arrol	Lord Halkerton
" Lord Strathallan	Lord Nairne
" The Earle of Airly	L Arbuthnot
" The Earle of Kintore	L Fraser-Inveralachie
" The Earle of Strathmore	E. of Southasque

" All those noblemen will serve the king and many of them can raise several hundred of men, tho not Highlanders, yet reckned better then any of the Lowlanders. Those are the men of the most consideration on the north side of Forth, whose interest can be dependid upon ; most of the clans are advised or influenced by some or other of those noblemen with whom they join interest

" The clans can bring the following numbers

" The Duke of Gordon . . . . .	{ 800
" The Duke of Athol . . . . .	{ 400
" The Duke of Perth . . . . .	1500
" The Duke of Mar . . . . .	1200
" The Marquis of Seforth . . . . .	700
" The Marquis of Seforth . . . . .	2000
" The Earle of Bredalbin . . . . .	1000
" Lord Lovet . . . . .	800

<sup>1</sup> Invercauld.

<sup>2</sup> Of Brux.

<sup>3</sup> William Duff, Lord Braco, eventually decided for the Hanoverian side. He was made an Irish peer as Lord Fife in 1763. His son became a peer of Great Britain.

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" Lord Forbes . . . . .	600
" Sr. Alexander Macdonald . . . . .	700
" Glengery . . . . .	700
" Clanronald . . . . .	700
" Maclean . . . . .	600
" Lochaile . . . . .	700
" Macloud . . . . .	700
" Sr. Ja Cambel of Achenbraque, <sup>1</sup> in Argile . . . . .	600
" Mackintoche . . . . .	500
" Struen Robison . . . . .	400
" Capach . . . . .	400
" Macdougale of Lorn . . . . .	150
" Stuart of Apin . . . . .	400
" Cluny Macfersons . . . . .	400
" Glengile with the Magrigers . . . . .	300
" Makinon . . . . .	200
" Chisom . . . . .	200
" Glenco . . . . .	150
" Bara . . . . .	200

[sic] 16950

" Besides two thousand men that can be got from Sotherland, Orkeny and Zetland . . . . .	2000
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18950

" The properest time of the year for Scotland to take armes, is just after the seed sowing ore at the close of harvest."

A SECOND ACCOUNT ADDS CONFIRMATION.

" General Gordons Account of the Numbers the highlanders will bring out, he sent one to Orkeny, Zetland and Caithness, who brought him this account.

" My Lord Morton has the kings revenue of Orkeny and Zetland ; It is believed that he could be persuaded to join if he was assured the continuation of it, he pretended to be honest when he was Lord Aberdour. If he was for us it would facilitat much the rising in that country, and almost double the number of men : but whether ore not, Sr. James Stuart of Borough (Burray), with Grames, Duglases, Gordons and others he promises to bring . . . . . 1000

" We would get from Sutherland . . . . . 400

" Tho the Earl did not join ; ther is yet some hopes of him for he is married to My Lord Weemes sister, she has a good deal of assendent over him and is very honest.

" Caithness The Earl of Caithnes, who is well disposed, Sr. James Sinclar of Dombath and other Sinclars promiss to bring . . . . . 500

" in all 1900

<sup>1</sup> Auchinbreck.

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" The Duke of Gordon . . . . .	1000
" The Duke of Athol . . . . .	1500
" The Duke of Perth . . . . .	1200
" The Duke of Mar . . . . .	600
Others (as above) making the total . . . . .	16150

(Although the numbers of men to be raised by each chief vary considerably in these two lists, Lord Forbes' contingent is the same in each. They have not hitherto been printed.)

Thomas Erskine wrote the following letter to his father-in-law in 1756. Both men were at the time nearly 70 :—

" *The Right Honourable The Lord Forbes.*

" My Dear Lord

" My present disorder is the wrs to bear that it prevents my waiting of your Lordship during the Hollie dayes, it is also unfitt to In-vite any freind as I have not health and Spirits to Interteaine them, I wish your Lordship My Lady and all in your famely a good Criston-mass and many happie years.

" Ther is ane advrtisment in the last Aberdeens news paper to all the vasals of Forbes to Show the Doagar Ladys Doer these Last descharges of feu duty and to paye in to him what feu duty is resting. I think the Lady hase now no aditionale clame to make, and all I shall add upon the Subject is to wys her in Haven before the end of the Inshouing year.<sup>1</sup> I am not sure if she would agree to my own wys, altho she had it in her poure, fore I belive it pleases her better to distres a famely she In Honoure is called upon to Support. Im toald by ministers She is to press some person for minister to the Church of Forbes which place I am toald is to be declared vacant the third of Janauary and some of the ministers of this presbetrie say if your Lordship present first, the presbetrie will resolve it afterwards, which will make the Lady a pursuer if she present aferwards, if your Lo<sup>s</sup> inclynes to give in the first presentation, Mr Gerard, Advocate, in Aberdeen will be procurator if your Lo<sup>s</sup> present Mr Mackwilliam.

" This confused lyne is such a task I conclude with my best wyshes to Your Lordship, My Lady Forbes, Miss Biset and the young Gentlemen.

" I am and ever will be

" My Dear Lord

" Your most obedient and

" Most humble Servant

" THO. ERSKYNE

" Pittodrie, Dec<sup>r</sup> 18th 1756."

On April 5th, 1764, a case which had lasted for years was finally heard before the House of Lords—James, 17th Lord Forbes, against Dorothea, widow of the 14th Lord.

The main facts were these. By the articles of her marriage settlements Dorothea Dale (who, it must be remembered, was a great heiress), had

<sup>1</sup> Dorothy Dale, widow of the 14th Lord. She survived the above amiable wish by twenty-one years! (See page 253.)

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settled upon her, under trustees, for herself and her children, £10,000 sterling of her own money. A provision of £3,000 was also made for any younger children, after the heir. William, Lord Forbes, her husband, owed £1,500 to his brother James, who ultimately succeeded him. To discharge this debt he granted a mortgage over Putachie and Pittendreich, and these being held in ward from the Duke of Gordon, his leave to mortgage them had to be first obtained. This being done, the mortgage or wadset was executed in May, 1723, whereby the lands were disposed to James Forbes, and were redeemable for the said sum, the yearly rental being computed sufficient to pay the interest on the money and all the burdens on the estate.

James Forbes then entered into possession of the lands in 1723 and he and his son made thereafter considerable improvements.

On his deathbed, William, Lord Forbes, executed (June 17th, 1730) a bond of Provision leaving £10,000 to his daughter Mary (who died young); £8,000 to Jean, and £6,000 to Elizabeth (all pounds Scots, amounting in all to under £2,000 sterling). He died June 26th, 1730, being further indebted to "real creditors" in the sum of £3,400, and Lady Forbes, being as she said, anxious not to impoverish the estate, volunteered to limit her liferent claims to the surplus free rent of the estate, and to pay the interest on the debt out of her jointure. She then had a meeting with the two Tutors and Guardians of her son, viz., Duncan Forbes, Lord Advocate, and Mr. John Forbes of Newhall, at which meeting she stated her intentions, which were heard with satisfaction.

After the death of her son Francis, and the accession of his uncle James to the title, Lady Forbes came to Edinburgh and announced that she would continue to act in the same manner as formerly for the good of the estate, and agreed to pay £100 a year to the new Lord Forbes as interest upon the debts outstanding. In "this good disposition" she continued up to the year 1752, when she suddenly granted bonds on the estate to her two daughters, and they and their husbands commenced a suit against Lord Forbes for the recovery of the sums contained in their father's bond of provision and interest thereon for the past 22 years. She also claimed the patronage of the churches, and the superiority of the lands. Disputes between Lady Forbes and her brother-in-law and nephew on these points lasted for years,<sup>1</sup> various decisions being given and then reversed. Meantime James, Lord Forbes, died (1761) and was succeeded by his son, of the same name, as 17th Lord.

Dorothea, Lady Forbes, continued to maintain that the deed of restriction executed by her in 1730 for the good of the estate "was granted when she was in great affliction for the death of her husband and when she was ignorant of the true state of the family affairs," and claimed her right to go back on it. The final decision of the Lords of Session was that the Dowager Lady Forbes was entitled during her life time to the rents of Putachie and

<sup>1</sup> See page 264.

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Pittendreich, but must pay the interest on the debts, both to Lord Forbes and to Ogilvie of Balbegno. This was in fact a victory for James, the 17th Lord, the Lady's nephew, and was confirmed by the House of Lords.

During the proceedings it also appeared that she was in receipt of a royal pension of £200.<sup>1</sup>

The last document in the *Registrum* of historical importance for the family history is the Precept of Clare constat in favour of James (now called) 16th Lord Forbes, of date April 5th, 1743, as heir of his brother the 14th Lord, in Putachie and Glentoun, showing that "titles to the estates had never been made up" in the name of the boy Francis, who was 15th Lord Forbes from 1730 to 1734.

There follow two "memorials" containing the titles of the Lord Forbes, of date 1750, and the compiler of the *Registrum* says the reason for the drawing up of these, so long after the succession took place, does not appear, since there was never any suggestion that the title, which is clearly a male succession, should have gone elsewhere than to the 15th Lord's uncle and not to his own sisters.

Although in the table of contents an entry is made of documents relating to the 17th and 18th Lords Forbes, none such appear. This table of contents was possibly an afterthought. The title page of the volume announces that it contains documents of the years 1271 to 1750. There is an Appendix of 46 pages, dealing with Forbeses other than those of the main line, and beginning with the Fiddes charter. Allusion to many of these documents will be made throughout the second part of the present work.

<sup>1</sup> The documents referring to this case were found among the papers of William Rose, factor to Lord Fife.