

**A CENTURY OF ROMANCE OF THE
ANNANDALE PEERAGES: WITH
LETTERS OF HENRY, LORD
BROUGHAM, LORD CHANCELLOR,
1792-1894, PP. 1-53**

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Lord Chancellor, 1792-1894, pp. 1-53 by Sir William Fraser

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SIR WILLIAM FRASER

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Lord Chancellor**

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BY

SIR WILLIAM FRASER, K.C.B., LL.D.

(Reprinted from The Annandale Family Book)

1894

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Henry, Lord Brougham, Lord Chancellor, to Lady Mary Hope
Johnstone [16 May 1834], and addressed Envelope, *between 22-23*

A CENTURY OF
ROMANCE OF THE ANNANDALE PEERAGES.

WITH LETTERS OF HENRY, LORD BROUGHAM,
LORD CHANCELLOR

1792-1894.

No history of the family of the Johnstones of Johnstone, Earls and Marquises of Annandale, would be complete without a notice of the claims to the peerages of Annandale. These have been before the House of Lords as subjects of contest and litigation for upwards of a century, and are still not finally decided by that august tribunal. This, together with the many eminent lords-chancellor who have heard and adjudged upon the particular claims, the array of able and learned counsel at the English and Scottish bars who have been engaged in them, the amount of evidence which has been adduced, the number of the printed cases and speeches, the difficulties encountered, and the several intricate points in peerage law which have been settled, all concur in constituting the Annandale case as one of the most celebrated which has engaged the attention of the House of Lords, and as one which has occupied it for a longer period than any other.

In the exhaustive memoirs of the first Earl of Hartfell, the first Earl of Annandale, and the first Marquis of Annandale, which are given in the first volume of this work, the history and creation of their respective peerages of Johnstone, Hartfell, Annandale, Annand, Lochmaben, Moffatdale and Ervandale, are all minutely detailed, and must be referred to for the origin and creation of these respective peerages. But it seems necessary to supplement these Memoirs with the present statement to explain, if possible, why it is that all these peerages, the original patents of which under the Great Seal are all existing and entire, and duly registered in the Great Seal under their respective dates, with more claimants for them than ever appeared in any other case, should have remained for upwards of a century entirely dormant.

In making such a statement and review, it is not intended to cast any ungenerous reflection on the august tribunal of the House of Lords, or on any individual member of that great assembly, from the lords-chancellor who have taken part in the long-continued hearings of the case, or on any of the claimants or counsel acting for them from time to time. But it does seem strange that these peerages, on the claims to which vast learning and means have been expended, should still be in a state of dormancy. Even our great national novelist, Sir Walter Scott, has expressed his regret that the name of Johnstone, whose estates were so extensive, and still so nearly entire, should have dropped from the roll of Scottish peerages, when these estates have been inherited by and are in such worthy hands. The statement which follows is chiefly founded upon the officially printed Minutes of Evidence in the Annandale peerage proceedings, the official reports by shorthand writers of the speeches of counsel, and other papers in the Annandale charter-chests.

The century of litigation which has taken place in reference to the Annandale peerages may be divided into three epochs or stages in the progress of the claims to the peerages.

FIRST PERIOD.

From 29th April 1792, when George, third Marquis of Annandale died, to 15th May 1834, the date of the proposed judgment by Lord Chancellor Brougham in favour of the claim of the late John James Hope Johnstone, Esquire, of Annandale.

THE JOHNSTONES OF WESTERHALL AND THE ANNANDALE PEERAGES. CLAIMS MADE BY THEM, 1792 AND 1805.

After the death of George, third Marquis of Annandale, Sir James Johnstone, Baronet, of Westerhall, was the first to lay claim to the Annandale peerages. He claimed to be heir-male general to the third marquis, and to be descended from a Matthew Johnstone, who he averred was the second son of Adam Johnstone of Johnstone, owner of the Johnstone estates in the year 1413-1454. In anticipation of the marquis dying without issue, the Westerhall family had over a lengthened period made extensive investigations to discover proof of their descent. Their opportunities for doing this had been peculiarly favourable to them. Both the father and grandfather of the claimant were advocates at the Scottish bar, and were successively employed as factors or otherwise on the affairs of the Earls and Marquises of Annan-