

# **HISTORY OF THE PARTITION OF THE LENNOX**

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History of the partition of the Lennox by Mark Napier

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**WILLIAM BLACKWOOD AND SONS, EDINBURGH ;**  
**AND THOMAS CADELL, LONDON.**  
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## P R E F A C E.

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WHO is Representative of Duncan eighth and last of the ancient Earls of "the Levenax?" This question, which involves the right to the dignity, has never been fully and fairly considered. Indeed the fate of this interesting Comitatus is very slightly and erroneously recorded by the best Historians of Scotland. It has been asserted that the honours were forfeited in the person of Earl Duncan, and the Lennox annexed to the Crown. Yet it can be proved that those honours were taken up by service to the very Earl against whom forfeiture has been alleged; and that the Comitatus itself descended by right of inheritance through his heirs-general for centuries. The same Historians had to record the transmission of the dignity through the Stewarts of Dernely, and therefore found it necessary to assume a new creation in favour of that family. Yet it can be distinctly proved that the race of Dernely itself never pretended that such was the case, but claimed and kept the title of Earls of Lennox upon the pretension of their right of blood alone.

The only attempts hitherto made to clear this history are by legal antiquaries, who have taken but a partial view of the subject, and the nature of whose compilations are neither fitted nor intended for general circulation. Mr Hamilton, in his very able Case for Woodhead,\* afforded a copious repertory of Lennox antiquities, drawn from various antiquarian sources, among which he acknowledges his obligations to Mr Riddell for the communication of valuable notices derived from researches in the Register-House. But this elaborate compilation was got up for the sole purpose of supporting a pretension utterly untenable, and Mr Hamilton's labours, therefore, have only tended still further to mislead other writers as to the history of the Lennox. An older case (now rarely to be met with) was printed sometime in last century, to support the claim for Haldane of Gleneagles.† This claim, being *ex parte* very plausible, is entitled to a consideration which that for Woodhead can never obtain. But the printed case alluded to, though the work of a distinguished lawyer, is both meager and inaccurate, and affords no history sufficient to enable the reader to appreciate the respective merits of all the competing claims.

Mr John Riddell, Advocate, the most competent perhaps to have occupied such a field, was not induced to do

\* "Case of Margaret Lennox of Woodhead in relation to the Title, Honours, and Dignity of the ancient Earls of Levenax or Lennox. Edinburgh, 1813." Drawn up by Robert Hamilton, Esq. Advocate.

† "Memorial relative to the succession to the ancient Earls of Levenax." Without date or signature, but drawn up by Mr Wedderburn, afterwards Lord Chancellor Loughborough.



so even by some new lights he obtained on the subject, many years ago, in the course of his minute antiquarian researches. The discoveries alluded to were in favour of the claim for Napier of Merchiston, but no Case for that branch of the Lennox coheirs has hitherto been compiled, although their claim, to say the least of it, appears to be far more tenable than any other that can be advanced. Mr Riddell, indeed, published in 1828, some sheets of antiquarian controversy, relative to the House of Hamilton, and entitled "Reply to the Misstatements of Dr Hamilton of Bardowie," in the appendix to which he inserted a "Statement in reference to the late pretensions of the family of Lennox of Woodhead, to the Honours and Representation of the ancient Earls of Lennox." This statement is sufficiently conclusive against Woodhead, and also discloses a document positively instructing the circumstance, which so obviously vitiates that pretension. But the triumph was of minor importance in clearing the history of the Lennox succession. No one can read the Case for Woodhead without perceiving that it contains the materials of its own refutation,—the charters founded on proving, most obviously, the very fact which Mr Riddell more directly established.

The same learned antiquary, in a recent publication,\* now for the first time lays before the public the evidence for Merchiston, which he discovered in the Register-House more than twenty years ago. But certainly it

\* "Tracts Legal and Historical," &c. containing *inter alia*, "Observations upon the Representation of the Rusky and Lennox Families, and other points in Mr Napier's Memoirs of Merchiston." 1835.

could not have made its appearance in a less satisfactory shape for those who are really anxious to ascertain the true state of the question between the competitors for the Earldom of Lennox. His views of that evidence have, it seems, been in some degree altered by other evidence he has more recently discovered in favour of Gleneagles, but which, after all, by no means enables him to settle the question even to his own satisfaction. The result of his present publication, so far as concerns the Lennox question, is, to adopt the learned gentleman's own words,—“ a kind of puzzle that is perplexing.”

Under these circumstances, it is hoped that a HISTORY OF THE PARTITION OF THE LENNOX, with an examination of the various claims to the character of heir-general of the Earldom, will, as it is perfectly new, be acceptable to the public. The author regrets that the task had not been undertaken by some one more competent to do it justice, but he has spared no pains to throw light upon the subject. He has diligently perused and considered all the antiquarian compilations, besides examining every original record, public and private, connected with the history of this ancient Earldom, so far as open to his inspection. And in arriving at the conclusion that neither the Case for Gleneagles, nor the more modern pretension put forward on the part of Woodhead, could stand in law before a Case for Merchiston, he trusts the following pages will show that he is supported by legal evidence, and not misled by partial feelings.

The possession of the Merchiston charter-chest, in-

trusted to him by the late Lord Napier, furnished the author with valuable materials for the present undertaking; and he has also to acknowledge his obligations to William Dallas, Esq. W. S. who at all times most obligingly afforded access to inspect such of the Glen-eagles papers as were in his hands.

Mr Riddell must have hastily written the following sentence of his publication alluded to, and, as that gentleman had no intention to mislead, he will thank us for explaining it: "The above view of things, with the relative evidence, the author communicated, at a distant period, to the late Lord Napier, and a few years ago to Mr Mark Napier, Advocate, at his request. He regrets to find that the learned gentleman in his Memoirs of Merchiston, which he did not see until published, while he represents Elizabeth Menteith, the Merchiston ancestress, as the eldest coheir of Rusky, instead of standing upon probabilities and presumptions, gives the fact as an absolute certainty, from which he concludes that the Earldom of Lennox is indisputably in her line." \* Now the "above view of things, with the relative evidence" here referred to, appears to be ten printed pages of elaborately illustrated matter, (some of it perfectly new) in reference to the Lennox claim, which the author of the Memoirs never saw in any shape until recently published. Not that he is so unreasonable as to expect to see a work *before* it is published, but the sentence quoted might convey an erroneous impression, to the effect that he had actually solicited and obtained some such

\* Tracts, p. 103.