

Transactions

OF THE

BANFFSHIRE FIELD CLUB.



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THURSDAY, APRIL 16, 1936.

The Club at a meeting this evening had a welcome visitor in Mr Thomas Innes of Learney, Albany Herald. Sheriff More presided and in introducing Mr Innes expressed the Club's gratitude to him for being with them and for his two previous contributions to the Transactions. Mr Innes spoke on the Old Baronial House of Hay of Delgaty. He said—

THE HAYS OF DELGATY.

There be six great barons o' the North,
Fyvie, Findlater and Philorth;
And if ye'd ken the ither three,
Pitsligo, Drum and Delgaty.

The origin of the broad Barony of Delgaty (amongst the few whose Baron-baillie still figured on the Roll of Commissioners of Supply until the Roll ceased in 1929) is lost with the other annals of the old Mormaership of Buchan. To which branch of the Comital house it belonged, or whether it was held by one of the vassals of the Earldom. The Bruce's herschip of Buchan has been too thorough for records to survive. Not until a generation later do we find Delgaty, as we should expect, in the hands of a descendant of one of The Bruce's companions in arms, Alexander Fraser of Durris, Cowie, and Philorth, grandson of Sir Alexander of Touch—Fraser, and Cowie, brother-in-law of the patriot King. He had in 1375 received a grant of Delgaty, Auchinshogill, Plaidy and Loncardy, then in the Barony of Kin-Edward, from Walter Leslie Earl of Ross and Kinedward had been the tocher of Margaret Cuming, daughter of the Earl of Buchan, who married John de Ross. In 1376, Sir Alexander conferred on his brother, John Fraser, the lands of Auchinshogill, Luncardie, as well as Plaidy, and Delgadie, in the valley of the Deveron, the reddendo being a pair of gilt spurs at the Feast of Pentecost, payable at Philorth. Twelve years later, John Fraser, 1st of Delgaty, acquired the two towns of Ardindracht

and Cruden. He married Marjory, daughter of Sir John Monymusk of that ilk, celebrated as the Keeper of the Breckbanoch or Reliquary of St. Columba. By her, he had a son John Fraser, 2nd of Delgaty and Ardindracht, who died prior to 1440, leaving an only daughter, Marjory Fraser, heiress of Delgaty and Ardindracht, who married Alexander Hay of Dronlaw.

We shall therefore proceed to deduce the descent in succession, of this branch of the family of Hay from its founders:—

Sir Gilbert Hay of Dronlaw, second son of Sir Thomas Hay of Erroll, Constable of Scotland, by his wife, Elizabeth, daughter of Robert II. Sir Gilbert married in virtue of a Papal Dispensation, dated 1416, Elizabeth Reid, by whom he had 3 sons,

1. Alexander, his successor.
2. Gilbert, who appears as 11th substitute in the Entail of Erroll, 10 July 1452 (Scots Peerage, IX. 86). He became Proprietor of Carnmucks, and will be referred to at greater length hereafter, as ancestor of the 6th Laird of Delgaty.
3. John, 12th substitute in the above-mentioned Entail of Erroll.

1. Elizabeth, m. Gilbert Lord Kennedy.

Sir Gilbert Hay of Dronlaw was Baillie of the Barony of Slains, 5 October 1436 (Collections of the Shires of Aberdeen and Banff, 393/4). He was succeeded by his eldest son,

Alexander Hay, 2nd of Dronlaw, and 1st of Delgaty and Ardendraught, whose position in the family, and his succession to Dronlaw, are established by the above-mentioned Entail of the Earldom of Erroll and Constablership of Scotland, dated 10 July 1542. He married Marjory Fraser, heiress of Delgaty and Ardendraught, in consequence of which the Fraser cinquefoil is found in the armorial bearings of the family of Hay of Delgaty, that charge having been adopted as a maternal difference. He died prior to 30 December 1470 (Register House Charters, No. 429), leaving a son and successor.

William Hay of Ardendraught and Delgaty, 2nd Baron of Delgaty, of the house of Hay,

who, as William Hay of Ardendraught, was infeft in the lands of Auchinschogill 2 January 1478 (Antiquities of the Shires of Aberdeen and Banff, Vol. II. p. 352). He married Margaret Leslie, who survived him, and during her terce, as relict from the lands of Ardendraught in the Parish of Cruden on 3 October 1503 (Clelland, Harvey Papers, Lyon Office). He had 3 sons,

1. Sir Gilbert, his successor.

2. Mr John Hay, and

3. Mr James Hay, both of whom were in Holy Orders of the Church of Rome, and are described as uncles of Alexander Hay of Delgaty, all of which appears from a Deed of 6 Feb. 1514/15 (Erroll Writs, No. 275).

1. Marjorie, m. (contract 9 June 1494) Henry, son and heir of John Cheyne of Esslemont (Ant. of Aberdeen and Banff, 353, 354).

2. A daughter, m. George Gordon, younger of Methlick.

Sir Gilbert Hay of Ardendraught and 3rd of Delgaty, was served heir to William Hay of Ardendraught, his father, 10 May 1503, as appears from the Sheriff Court Records of Aberdeen (Antiquities of Aberdeen and Banff, Vol. II. p. 353). He had succeeded prior to 1500/1501 when, still unknighthed, he was admitted burgess of Aberdeen (Spald. Min. I. 40). He was knighted prior to 3 December 1503 (Ibid, Vol. II., p. 353). In 1503 William Fraser of Philorth resigned the superiority of Delgaty, to be held of the King by Gilbert, son and heir of the late William Hay of Ardendraught, and by 1510 Delgaty had been erected into a Crown Barony (Trans. of Buchan Field Club, X., p. 259). The name of Sir Gilbert's wife has not been ascertained, nor the precise date of his death, but he is generally supposed to have fallen at Flodden, and at any rate left a son and successor,

Alexander Hay of Delgaty and Ardendraught (4th laird), who, on 2 December 1513, had a Precept of Clare Constat, as heir to Gilbert Hay of Ardendraught, his father (Erroll Writs, No. 269). He married Elizabeth Abernethy, daughter of James 3rd Lord Saltoun (Scots

Peerage, VII. 409), as is evidenced by a Charter under the Great Seal, 31 May 1510 (*Antiquities of Aberdeen and Banff*, III. 506). He had 3 sons,

1. Alexander, his successor, to whom the fee of the estates was propelled whilst he was yet a child, as appears by a Confirmation (7 March, 1518/19) by Lord Glamis as Superior, of a Charter whereby Alexander Hay of Ardendraught grants to Alexander Hay as son and heir, and to his heirs male and of tailzie, the lands of Ardendraught and others, reserving his liferent, 9 Feb. 1518/19 (*Errol Writs*, No. 299). This Charter, upon which Sasine followed (*Ibid.* No. 300), will be referred to again, because although the terms of the tailzie, which are those of a previous investiture, are not preserved, yet the subsequent course of events will demonstrate the nature of that entail.

2. Thomas—Ferguson says he was the second son, on what evidence I know not, but it seems quite possible (*S.H.R.*, VI., 250). The Hay tree makes him third son—who like his great-uncles, took Holy Orders in the Church of Rome, and became first Parson of Spynie, then Abbot of Glenluce. He subsequently joined the Reformation Party, and married Katharine, third dau. and co-heiress of the Hon. David Kennedy of Culzean, third son of the 2nd Earl of Cassillis (*Deeds*, XVII., f. 383), and became ancestor of the Hays, Baronets of Park.

3. William, who succeeded his brother as Laird of Delgaty and Ardendraught.

Alexander Hay of Delgaty and Ardendraught was murdered at some time shortly prior to December 20, 1528, as appears from a grant of the escheat of Robert Cardnocht, on his failure to compare to underlie the law for the crime (*Privy Seal*, No. 3993).

Alexander Hay of Delgaty, who succeeded as 5th laird and to the representation of the family, on his father's death, had as above-mentioned, already received conveyance of the fee on 9 Feb. 1518/19. In March 1532, he was affianced to Mariota Shaw, who took steps to enforce the contract of marriage on 6 March

1534/5 (Antiquities of Aberdeen and Banff, 2357), but he successfully avoided the contract. On December 13, 1541, he is the 4th substitute in an entail of the lands and offices of George 7th Earl of Erroll (Great Seal Register). On 7 November 1545, he granted a Charter of Auchinschogill to Janet Forbes Countess of Atholl (Great Seal, No. 3193). Janet was the daughter of John 6th Lord Forbes (Scots Peerage, IV, 55) and had married in 1542, John 3rd Earl of Atholl, who died within six months, and after the death of Alexander Hay, her second husband, she married as his first wife, John Leslie of Balquhain, 9 January 1547/8 (Great Seal, 20 Feb. 1547/8; Records of the Family of Leslie, III, 46). Alexander Hay of Delgaty died without issue in 1546, as appears from an inscription on his tombstone, now built into the wall of the old chapel at Delgaty Castle.

Hic Jacet Honorabilis vir Alexr. Hay Quond Dns De Delgaty Q DNO Hac Lacriminis Valle Anguse Vi Die A D M^o V Quadrag Sexto.

One concludes he had not a very cheerful life. He left no issue and was succeeded by his brother,

William Hay of Delgaty and Ardendraught (6th laird), who on 24th Jan. 1546/7, had sasine on Ardendraught, and Auchleuchries, as heir to the deceased Alexander Hay, his brother-german (Erroll Writs, No. 453). He had been 5th in remainder to the lands, &c., of Erroll under the Charter of 5 Dec. 1541. He married Elizabeth Barclay, who survived him and married secondly, John Innes of Benwall, who died before 1676, when she was married to George Kerr (A. & Decs. lxiii. f. 274). Her marriage to Innes of Benwall appears from the interests which she and the Countess of Atholl had as "ladies having profit out of Delgaty" (Erroll Charters, No. 485). John Innes of Benwall and of Kinkell were presumably (?) the same (Erroll Charters, 642). William Hay did not long survive his brother, and died without issue prior to 22 March 1548/9, when, in consequence of the only surviving brother, Thomas, being a priest, the estate in terms of the entail, passed to the nearest heir male of tailzie in general, as appears from an Instru-

ment of Sasine under the hand of Gilbert Blackhall, Clerk of the Diocese of Aberdeen, whereby the sasine upon Ardendraught was given by the baillie of John Lord Glamis Superior, to the attorney for William Hay heir of tailzie, of the deceased William Hay of Delgaty, great-great-grandson of his grandfather's brother (Erroll Writs, No. 472).

We shall now deduce the descent of this William Hay, styled "of Artrochie," and as indicated by the terms of the foresaid Instrument of Sasine. his descent is from Gilbert Hay of Carnmucks, second son of Sir Gilbert Hay of Dronlaw, who was 11th substitute in the Erroll Entail, 10 July 1452. The descendants of Gilbert had therefore no blood-descent from the wife of Gilbert's elder brother, Marjorie Fraser, the heiress of Ardendraught, and owe their succession solely to the terms of the entail under which they took as "heirs male and of tailzie," of the heiress's husband, Gilbert's elder brother, viz.—Alexander Hay the second of Dronlaw. This Gilbert Hay of Carnmucks became possessor of one-eighth of Ardgeith, and appears to have been living on 12 Feb. 1472/3 (Antiquities of Aberdeen and Banff, III., 27). The name of his wife has not transpired, but he left a son,

Walter Hay of Carnmucks, who had sasine thereon, 4 August 1484 (Antiquities of Aberdeen and Banff, III., 28). He fell at Flodden in 1513 (Mair. Records of Ellon, p. 27), and left 3 sons.

1. Gilbert Hay of Artrochie, who on 28 April 1515, had sasine of one-eighth of Ardgeith, as son and heir of Walter (Records of Ellon, p. 27), and on 25 September 1518, Mickle Artrochie (Antiquities of Aberdeen and Banff, III., 28). He was living on 20 Jan. 1547/8, when William Hay of Braidmuir in Ardendraught granted a Charter to Gilbert Hay of Artrochie and Giles Scrymgeour, his spouse, whom failing, to Alexander Hay of Percock (Erroll Writs, No. 462). He died without male issue, prior to 22 March 1548/9 (Ibid., 472, already referred to).

2. William, who succeeded under the entail as 7th of Delgaty.

3. Alexander, who became 8th of Delgaty.

William Hay of Delgaty, second son of Gilbert, of Carnmucks, succeeded his kinsman as heir of entail in Delgaty prior to 22 March 1548/9 (Ibid. 472), but apparently owing to his having no heirs male of his body, he resigned his estates in favour of his brother Alexander Hay, occasionally styled "of Percock," as appears from the Procuratory of Resignation by William Hay of Delgaty, for resigning Arden-draught in favour of his brother, Alexander Hay, and Margaret Innes, his wife in liferent, and to their heirs male in fee, 13 March 1548/9 (Ibid. 471). William Hay, having resigned his estates in favour of his brother, ceases to design himself "of Delgaty," but retained Mickle Artrochie, and on 17 Oct. 1556, under that designation was served heir to his brother in one-eighth of Ardgeith (Antiquities of Aberdeen and Banff, III., 30). He died prior to 3 Nov. 1562, when his nephew, the son of his brother Alexander, was served heir to him in one-eighth of Ardgeith (Ibid. III. 30). He left two daughters, co-heiresses:

1. Elizabeth, m. Patrick Ogilvie of who granted a discharge to Alexander Hay of Delgaty, 25 Jan. 1559/60, regarding which her sister, and her nephew protested (Aberdeen Sher. Court Rec. I. 145).

2. Margaret, m. William Johnston (of Johnston according to the Tree), by whom she had a son, George Johnston, who joined in the above protest.

Alexander Hay of Delgaty became 8th laird, in terms of the arrangement made for settling the estate on him in liferent in Disposition of the Estates of Delgaty and Arden-draught, made by William, his elder brother, had—as Alexander Hay of Delgaty—a Charter to him and Margaret Innes, his wife, of Perkyock, from John, Master of Erroll, 8 Oct. 1553, with remainder to Gilbert Hay, their second son (Great Seal, 9 March 1585/6). His brother had probably died infert in Dronlaw, about 25 May 1558, for on that date Alexander Hay of Delgaty pays £40 relief on Dronlaw (Exchequer Rolls, 425). He married Margaret Innes, who was "one of the nine sisters of Benwall" (The Roses of Kilravock, 86), that is to say, she was

evidently a daughter of William Innes in Benwall and Catharine Gordon (Spalding Club Misc. IV. 556). Their arms and initials appear on the corbels of the beautiful vaulted library at Delgaty, which must therefore have been commenced between 1548 and 1558, whilst it was completed by their son and his wife, Lady Beatrix Hay, as appears from the arms and initials over the fireplace of the apartment. Margaret survived her husband and was still living in 1574. They had issue.

1. William, who succeeded to Delgaty.

2. Gilbert, of Perkyok. On 18 Oct. 1553, John, Master of Erskine, granted Perkyok to Alexander Hay of Delgaty and Margaret Innes, his spouse, in liferent, and their second son Gilbert in fee (Gt. Seal, V. 943). On 8 April 1590, Gilbert was cautioner for Alexander Hay of Delgaty not to harm the Countess of Erroll (P.C. IV. 475), and on 3 March 1592, they gave a bond not to assist the Earls of Huntly and Erroll (Ib. V. 46), whilst on 24 Oct. 1594, James Fraser of Crichtie was cautioner that Perkyok remain in Aberdeen and compeir before the Council (Ibid. V. 183). He had Sasine on a charter of Perkyok held of the Earl of Mar, 15 Jan. 1601 with a destination failing heirs male of his body to his eldest heir female, whom failing to Mr James Hay, whom failing to Mr Walter Hay, whom failing to Alexander Hay, whom failing, to Gilbert's own heirs male whomsoever (Aberd. Sas. I. 117). The relationship of these substitutes is not clear, but "Mr Walter" was evidently his brother. He left two daughters:

(1) Margaret, m. before 30 Aug. 1601, Michael Fraser of Techmurie (Ibid. I. 281), and both were dead by 8 Aug. 1650, when their son and heir, Alexander Fraser of Techmurie paid off a bond to his aunt's descendants (Ibid. XIV. 414).

(2) Christian, m. Andrew Lowson, and Percock gave them a bond 16 May 1601 which was paid off as above 8 Aug. 1650.

3. John, a Jesuit, for whom William Hay of Delgaty became cautioner in £1000 on 14 Aug. 1579 that he would go abroad, "wind and

weather servand" before 10 Oct. and meantime do nothing "offensive to the true Christian religion" (Privy Council, III. 204).

4. Mr Walter, living 1571 (Hay circular tree). He is evidently the "Mr Walter Hay of Muiryfold" who was dead prior to 15 Sept. 1619, when Walter Hay, his eldest lawful son, renounced a wadsett of Kakinhill on being paid off by Sir Alexander Hay of Delgaty (Aberdeen Sas. II, 88). He appears to have died on 20 Aug. 1589 as appears from the monument at Turriff, *Tumulus clari viri M. Walteri Hay*, which bears the initials M. W. H. and those of his wife, S. I. The arms show she was an Innes, and he bore a mullet for his own difference, no doubt drawn from his wife's arms (Buchan Field Club, X., pp. 116, 129). He had issue,

(1) Walter, who is presumably the Advocate admitted 6 Feb. 1627, and who acquired Dronlaw from Sir Alexander on 18 May 1627 (R.M.S. IX. 1046). He died Sept. 1641, and left with a dau. Marjory, a son

(1a) Robert, 2nd of Dronlaw, admitted Advocate 11 July 1637, and whose consent was to be obtained to the redemption of Kakenhill of 15-9-1619, after he came of age (Aberdeen Sas. II. 88). He became laird of Dronlaw (R.M.S. IX. 1473), and was presumably father of, (1b) Robert, of Dronlaw, W.S., who (Deeds. Dal. xli., 714) granted a bond; (2) Francis, W.S., writer of the deed of 18 May 1627, may have been another son.

5. Patrick, living 1571.

1. Elizabeth, married Patrick Barclay of Towie, from whom issued a charter 25 August 1553 (Gt. Seal, No. 842).

2. Lilius, m. before 5 Jan. 1571, William Rose of Kilravock (Ib. No. 2031).

3. A daughter, m. 1st . . . Stewart of Bogg; 2nd, Robert Irvine of Fornet and Montcoffer, as his first wife. She is styled "The Lady Bogg, daughter of Delgaty Hay" (J. Forbes Leslie. The Irvines of Drum, 187).

William Hay of Delgaty (9th laird). to whom the fee of the estate had been propelled by his

uncle, William Hay of Delgaty and Artrochie, in 1548, became *fiar* whilst quite young. He succeeded his father prior to 3 Nov. 1562 (*Antiquities of Aberdeen and Banff*, III. 30), but is still designated "*fiar* of Delgaty" on 12 Dec. 1562, owing to the conjunct liferent of his surviving mother, Margaret Innes (*Ibid.* III. 30). He was Sheriff Depute of Aberdeen 10 Aug. 1575 (*Aberdeen Sheriff Court Records*, I. 283). He and his eldest son, Alexander, witnessed a charter by William Hay of Mayne, 5 April 1581 (*R.M.S.* 268). He and his father did much to embellish Delgaty Castle, where their armorial bearings are shown in various parts. William Hay of Delgaty married (Contract, 15 April 1551) Lady Beatrice Hay, daughter of George 7th Earl of Erroll (*Erroll Writs*, No. 485). He died before 12 May 1595, leaving a son and successor,

1. Alexander, his heir.

2. George, probably the Minister of Turriff 1590-1624 (*Fastii. Eccles.* VI. 271). Being an M.A. St Andrews 1581, and surviving until after 1619 he cannot be the "George Hay, parson of Turriff, b. 1503," of the Hay tree where that Parson is stated to have been son of John Hay of Leys. The "George" here in question was certainly father of Hay of Muiryfold (who later appears—*inter alia* at the Cavalier's state funeral—in a manner consistent with cadetship off Delgaty; and the Hon. George, of Muiresk, to whom "the Tree" attributes Muiryfold, admittedly died young *s.p.* (*Scots Peerage* III. 576). The Minister of Turriff, was in some peculiar manner feudal superior of "the Mains and place of Delgaty called Cakinche," and this was as Minister (*Aberd. Sas.* XIX. 200). It would seem the Chapel beside Delgaty Castle (now the dining-room), had been a most ancient religious site, whereon the Castle was built, and that the superiority remained with the Rector, after the Church was removed to the village of Turriff.

The Minister m. Susanna Innes, who survived him and executed a discharge in connection with her daughter's dowery 28-5-1628' (*ex. Rose papers*). They had issue,

(1) James, in Muiryfauld, wherein he had evidently taken over the tenancy of a William Hay (described as "son and heir of the late Mr William Hay sometime in Muiryfold"—presumably another cadet of the house) prior to 1608 (Aberd. Sas. VII. 108). That he was the Rector's son appears from his being brother of Elizabeth Hay, Gudewife of Romer-rack in 1649 (Aberdeen Sas. XIV. 44). He was curator for William Maitland of Kirk-ton of Auchterless in 1618 (Ibid. I. 206), and was procurator for Sir Alexander Hay of Delgaty when he had sasine on the Crown charter of 1596, and on the Rector's precept regarding the Manor place and fortalice of Cakinshe dated 13 July 1619, and whereon sasine followed 4 August 1619, with consent of the Earl of Erroll (Ibid. II. 64). In 1644 he obtained a wadsett of Delgaty (Great Seal, IX. 1593), and was still living 24 May 1649 (Aberd. Sas. XIV. 44), and died 28 Sept. 1652, as appears from his sons retour in the baronies of Delgaty and Kininmonth. His son and heir,

George, of Delgaty and Kininmonth, was retoured heir (Aberdeen Ret. No. 312) but retained the style "of Muiryfauld" so late as 1 Nov. 1653 (Aberd. Sas. XIX. 385), and as superior of Udoch 22 April 1654 (Ibid. XVII. 132), though this proceeds on a deed of 18 March 1650, from which it may seem he was in Muiryfold before his father's death. He was infeft on a Clare Constat from Mr Mitchell, the Minister of Turriff, in the superiority of "the Mains and Manorplace of Delgaty callet Cakinsche" 16 May 1657, as heir to the dec. James Hay of Kininmonth, his father, who is also herein styled "sometime in Muiryfauld" (Ibid. XIX. 200). He acquired Dr David Hay's wadsett in 1674. From him the estate passed to the 12th Earl of Erroll in or about 1700.

(2) Elizabeth, m. Alexander Innes of Romurrack, fiar of Davidston, who granted her a charter 26 April 1618 (Aberdeen Sas. I. 253). She was still alive May 1649, when

(as sister of James Hay of Muiryfauld) her liferent interests were reserved (Aberd. Sas. XIV. 44).

Alexander Hay of Delgaty, the 10th Baron, paid £80 for feudal "relief" on his succession 12 May 1585 (Exchequer Rolls, 511). In 1594 he naturally joined the "Popish Earls" of Huntly and Erroll, in the campaign which led to the Battle of Glenlivet. It may have been following this, that the western wall of the ancient tower of Delgaty was knocked down (and later rebuilt in 17th century style). In 1597 he was a burgess of Aberdeen (Spald. Misc. I. 591). On 4 December 1584, Alexander Hay, as eldest of William Hay of Delgaty, married Elizabeth Keith, eldest daughter of Robert, Commendator of Deer (Great Seal, 4 Feb. 1588/9. No. 1626), afterwards Lord Altrie. By Elizabeth Keith, daughter of this Robert Lord Altrie, Alexander Hay had 3 children,

1. William, who was in childhood infertile in Delgaty, and as "grandchild and heir of William Hay of Delgaty," had sasine of Ardgeith and the Superiority of Auchleuchries, 23 March 1589, but was apparently dead before 1596, in any event, before 1610.

2. Elizabeth, who as spouse of Walter Moutray in Perwinnes, was served heir to Alexander Hay of Delgaty, her father, on 3 March 1610 (Aberdeen Sheriff Court, 11. 61), thus establishing that her brother was dead.

3. Isobel, who was served heir to her father on 6 March 1611 (Ibid. II. 63).

Alexander Hay of Delgaty had five children by Barbara Forbes, daughter of William 7th Lord Forbes, who was born 31 Jan. 1560/61 (Scots Peerage, IV. 57).

1. Sir Alexander. 'The circumstances in which Sir Alexander Hay became proprietor of Delgaty will be referred to hereafter).

2. William, who is referred to as the brother-german of the foresaid Alexander, in the Charter, 19 March 1596/7 (Great Seal) presently to be mentioned. On 3 Oct. 1619 he made an elaborate renunciation in favour of Sir Alexander, his "brother-german" of any rights due in consequence of their parents

decease under the contract of 25 March 1608, from which it appears Dame Elizabeth was dead by 1619, but he carefully reserved his "right of airship" in the event of Sir Alexander dying without heirs male of his body (Aber. Sas. II. 89). This suggests that he was probably the William Hay, Master of the Music School in Old Aberdeen, who according to History of the Province of Moray, III., 438, was the father of the Bishop of Moray. If so it may be that on the death of Francis Hay "Baron of Delgatie" (I fear only in name) in 1676, that the representation devolved on this line. If the affiliation suggested be correct, then William was father of:

William, 14th Chieftain of Delgaty, Bishop of Moray, of whom later D.D. St Andrews, who was deposed in 1689, on the abolition of episcopacy, and died at the house of his son-in-law, 17 March 1707, and was buried at Inverness, aged 60. He left two daughters:

(1) Jean, m. John Cuthbert of Castlehill (Reg. of Genealogies; Lyon Court, I. 195, where there appears some doubt as to the Bishop's ancestry, and the suggestion is made that the descent was from the Cavalier and his wife Dorothy Bruce, which is impossible).

(2) Catherine, b. 1686.

3. George, referred to in the will of 1601, and therefore presumably born after the charter of 1596—as must the younger sons. He renounced his claims on his parents estate in 1619 (Aberdeenshire Sasines, I. 90).

4. Gilbert, who married Elizabeth Leslie, and they had a wadset of Teuchar from Sir Alexander, 16 July 1632 (Aberdeenshire Sas. VIII., 45).

5. John, who may be the burghess of Aberdeen, who married Christian Nicolsoun, and who led adjudication on Delgaty, 18 Feb. 1655, and assigned their rights to Dr David Hay (Aberd. Sas. XIX., 355). The Doctor retained his interest until 1673 when he resigned it to George Hay, who had Sasine, and appears in the Valuation Roll of 1674. The Doctor was

also a cadet of the family and rose to distinction, for he matriculated arms as Sir David Hay, M.D., in 1692 (Lyon Reg. Vol. I.).

What became of Dame Elizabeth Keith, we do not hear, but the laird of Delgaty found a spouse evidently far more to his taste in Barbara Forbes, and to whom he was evidently deeply attached, but who unfortunately for them, seems in her first widowhood, to have over-speedily, remarried, the laird of Balneathill, which, however, did not stop her and the Baron of Delgaty remedying the "mistake," notwithstanding the opposition of the Lord Advocate, and apparently "all concerned." On 19 March 1596/7, Alexander Hay of Delgaty granted a Charter of Delgaty in favour of Barbara Forbes, sister of Lord Forbes, and relict of Robert Allardyce, fiar of Allardyce, in life-rent, and Alexander Hay, eldest son procreated between them, and the lawful heirs male of his body, whom failing, to William brother-german of the said Alexander (Great Seal, No. 704). The charter does not refer to Barbara Forbes as Alexander's wife, and it describes William as brother-german of Alexander, which would not be legally possible unless a marriage had taken place. As a matter of fact, during this year 1597, Alexander Hay and Barbara Forbes erected the painted ceiling which shows (1) the arms of Alexander Hay of Delgaty; (2) the arms of Alexander Hay of Delgaty impaling those of Barbara Forbes, thus indicating a marriage. It would appear, however, that at this period Barbara Forbes was the spouse of Archibald Douglas of Balneathill, afterwards of Keillor (Scots Peerage IV., 57; and Forfar Inhibitions, 1598/9). As a matter of fact, the pretended marriage was treated as a piece of adulterous presumption. In 1599, action was raised against the Laird of Delgaty by the Lord Advocate and Elizabeth Keith his spouse (against whom he had raised a "fictitious" action for divorce before the Commissaries Acts. and Dees. Vol. 185, p. 35), on this and other grounds, he being indicted as a "notorious adulterer." The first charge was, that he had misconducted himself with three ladies, Elizabeth Clark, Catherine Anderson and Eliza-

beth Pirie, and that he had bribed his Steward to acknowledge paternity of Clark's child. The Laird's first defence was a novel one. He had, along with his Chief, the Earl of Errol, and Lord Huntly, fought against Argyll, the King's Lieutenant, at the Battle of Glenlivet when the "Popish Earls" received the benison of James VI. for sending back the crest-fallen Argyll with a mien "sae like a subject." For his share in the Glenlivet campaign Delgaty received a remission and general whitewashing, including "all other crimes except Treason and Witchcraft," and therefore he claimed exoneration from a charge of adultery. This, however, was disallowed, but on the merits of the case, he was on all three charges assolizied by the jury. A fresh charge was then raised concerning the matter of Barbara Forbes, his "pretended spouse," but on his journey south, Delgaty was proved on medical evidence to be "long bedfast and heavily diseasit, in My Lord Sinclair's castle of Ravensheugh upon the Forth." There, in the sea-girt home of the romantic, albeit, rather mythical "Rosabelle," the Baron of Delgaty lay suffering from indigestion, "a crudity of his stomach with schotts of pain throw his body" (Pitcairn, Criminal Trials, II., pp. 64, 104, 112, 130). What the doctors may have done for this, I cannot say, but before long the issue was fatal, for the Laird of Delgaty died on 5 January 1601, at Edinburgh, where his testament was given up by his "Right Honll. Ladye, Barbara Forbes Lady Delgatie, his spouse," 1 Sept. 1601, the list of his possessions including "80 bolls of aittes in the barnyards of Delgatie"—so the scene of the famous bothy ballad was well-known even in those days. His will constitutes "Barbara Forbes my weil beloved spous, sister german to ane nobell and potent Lord, John Lord Forbes, tutrix testamentar to Alexander, William, George, Gilbert and John, Hays, my five sons gotten betwixt me and the said Barbara," and in the event of her remarriage, George Sinclair of Moy (son of the Earl of Caithness) was appointed Tutor (Edinburgh Tests. XXXV.).

Whether Dame Barbara, or Sir William's lady, Dorothy Hay, was "the mad lady" who

in her anxiety burnt the early charters of Delgaty, whereof the charred remains were discovered in the secret turret not many years ago, we shall probably never know, but the romantic laird and lady of Delgaty to whom we owe the gorgeous painted ceiling in the tower, at least secured their sons succession safely under the Crown charter of 1597.

The unfortunate lady was, however, not finished with her matrimonial troubles, for the laird of Delgaty being dead, the rejected Sir Archibald Douglas of Balneathill, reappeared on the scene, and reclaimed his spouse, and in a contract regarding the Delgaty children 24 and 25 March 1608, the parties were Francis Earl of Errol and Sir Alexander Hay of Delgaty with his curators on the one part, and Dame Barbara Forbes, with consent of Sir Archibald Douglas, her spouse, on the other part (Aberdeen Sas. II. 89). Poor Dame Barbara was dead by 1619, as appears from her childrens settlements regarding the foregoing contract.

Sir Alexander Hay of Delgaty, Knight (and possibly cr. a baronet, since his successor is officially so designated by Lord Lyon Balfour).

The eleventh laird of Delgaty was apparently a favourite of James VI., and was knighted by 3 Nov. 1617, when he figures at Court as "Sir Alexander Hay of Delgaty and superior of Auchleuchries (Appendix to Diary of General Patrick Gordon. Spalding Club). So, as this infers he was of age, he was evidently born before 1596. Litigation and court life, however, took their toll of the broad acres of Delgaty, and in 1627 Sir Alexander had to sell Dronlaw to his kinsman, Walter Hay, Advocate (Privy Council, VI., 205; Great Seal, IX., No. 1046). In 1633 he owed 1200 mks. to George Barclay at Mill of Seggat (Book of Annual-renters), and by 1644 Delgaty itself was wadset to his cousin, James Hay of Muirfold (Great Seal, IX., No. 1593). Sir Alexander married Isobel Leslie, daughter of John Leslie, 10th Baron of Balquhain (Records of Family of Leslie, III., 74) and they were regarded as "amongst the most scandalous and irregular adversaries of the truth" in 1622 (Scottish Historical Review, VI., 252), and three years

later were imprisoned in Edinburgh as papists. On 9 Nov. 1634, Sir Alexander settled his estate on his son and heir, afterwards Sir William Hay of Delgaty, and either the father or son appears to have been created a baronet, for Sir William is so described by Lord Lyon Balfour in his account of the forfeiture of 1650, and it was a subject on which the Lord Lyon would have had immediate and certain knowledge. Sir Alexander died in Feb. 1636, as appears from his sons retour (Aberdeenshire Retours, 24), leaving by his wife, Isobel Leslie of Balquhain,

1. Sir William, of whom presently.
2. Francis, who succeeded to the "reversion" of Delgaty, and so became 13th of Delgaty.
4. A da. "of the Baron of Delgatie" who married Robert MacGregor, Bailie of Fraserburgh, a grandson of the Tutor of Roro, and ancestor of the MacGregors of Raigmore, probably also belongs to this generation (Raigmore matriculation, Lyon Reg. I., and process in Petition by Robert Coleman MacGregor of Inneregny, 1936) (Lyon Court).

Sir William Hay of Delgaty, Baronet. The celebrated Cavalier, who now succeeded his father as 12th laird, is said to have been "bred at the warrs," so in his youth he was presumably a soldier of fortune on the Continent. As "William Hay, ygr. of Delgaty" he was admitted burgess of Aberdeen, 1632 (Spalding Club, Misc. II., 370), and on 9 Nov. 1634 he had as "eldest son" a charter from his father (Pat. Gordon's Diary). We learn from the Privy Council Records that his financial circumstances were embarrassed, and that his father, fearing his creditors, had secretly "put away" much jewellery and plate in the custody of friends, who, unfortunately, for his son, proved unwilling to restore the objects, and Sir William sought recovery, and power to search in their charter and other chests. Sir William's first exploit in Scotland was when he acted as Commander of the Covenanters at the "Trot of Turriff" in 1639: "Delgaty being then leader, drew them up in order of battell, although he was there against his will, being in his heart a Royalist" (Gordon,

Britain's Distemper. 20). He subsequently joined the Great Marquis of Montrose, and in 1644 the coats of arms of Delgaty and Lord Gordon, were "riven at the Mercat Croce of Edinburgh, and themselves declared traitors to the Government, their lands forfeaulted (Acts, VI., pt. 2, p. 313, Spalding Trebles) for following the King (Spalding Trebles, II., 467). He was wounded at the battle of Alford, and after the defeat at Carbisdale he was brought to Edinburgh, and in virtue of a further forfeiture, 31 May 1650 (Ib., p. 571) was, as a Royalist, executed by the Parliament on 7 June 1650. Thus perished the Cavalier laird of Delgaty, apparently the last of the direct line, for by his wife, Dorothy Bruce of Pit-arthie, he left only two daughters, Anne and Sophia, who were excommunicated for Popery by the Synod of Aberdeen. Sophia was living 2 Dec. 1667 when she had sasine of Claymires. Sir William's remains were buried on the Burghmuir, but on 11 May 1661 were exhumed from their traitor's grave, and under direction of the Lord Lyon Kings of Arms were laid with all the pomp of heraldry, and a public State funeral, beside that of his leader, the Marquis of Montrose, in St Giles Cathedral, the cortege being followed by the Earl of Erroll, Mr Robert Hay of Dronlaw, and George Hay of Kininmont. The heraldic "four branches" of his grand-parents, Hay of Delgaty, Forbes, Leslie of Balquhain, and Hay of Erroll were duly displayed in the procession, being borne by cadets of the house. Immediately prior to his forfeiture in 1644, his cousin, James Hay of Muiryfold, acquired Delgaty, and in 1666 the estate belonged to George Hay of Kininmond. Meantime the right to the estate passed under the entail, to Sir William's brother.

Francis Hay of Delgaty, who succeeded—nominally at least—as 13th Baron. He first appears as second son of Sir Alexander, in a deed consenting along with his mother, to Sir Alexander's charter of Teuchar 16 July 1632, in favour of Gilbert Hay, Sir Alexander's brother-german (Aberdeen Sas. VIII., 45). On 18th Feb. 1655 Dr David Hay, M.D., as assignee of John Hay, burgess of Aberdeen, charged

Francis to enter heir to Sir William, his brother, and Sir Alexander, his father, and thereupon led an adjudication against the estate, on which the Doctor had sasine 22 August 1657 (Aberdeen Sas. XIX., 355). It is to be feared that Francis was never *de facto* laird, and he would seem to have lived abroad and died at Douai, 25 May 1676, his death being recorded as that of "Francis Hay, Baron of Delgaty" (Rec. of Scots Colleges, New Spalding Club, p. 277). The succession—and, perhaps, right of reversion—thereupon seems to have passed to his cousin, William Hay, Bishop of Moray, already mentioned.

The efforts of the cadets of the house to save the estate seem to have proved beyond their owner, and soon afterwards—at anyrate in 1700—it passed to John, 12th Earl of Erroll (A. & H. Tayler, Aberdeenshire Valuation Roll, 1667, p. 286), and by his sister the Countess it was bestowed on Alexander Falconer, he, who was born 1682, and admitted Advocate 23 Nov. 1705, is said to have "assumed the name of Hay on succeeding to the estate of Delgaty" (Scots Peerage, V., 247), though Miss Tayler says the name and title was conferred on him by his wife. He married Mary, Countess of Erroll, but they had no issue. They still held Delgaty or "used the title thereof" in 1722 (Trans. of Buchan Field Club, X., p. 226), but soon afterwards the barony of Delgaty passed from the family of Hay, its purchaser being Peter Garden, third son of the Laird of Troup, whose son, Francis Garden-Campbell of Delgaty, Troup, and Glenlyon, sold Delgaty to the Earl of Fife, and part of the estate, along with the old castle, eventually became the property of a younger branch of the house of Duff, the family of Grant-Duff of Delgaty. The portrait of Sir William Hay of Delgaty, the Cavalier, showing him as a fair, reddish-haired man, is in the possession of Miss Bruce, Great King Street, Edinburgh.

Warm appreciation was expressed of Mr Innes of Learney's paper, and on the call of the President he was accorded hearty thanks.