

CHAPTER XXIX.

TOLQUHON.

THE second of the great cadet branches of the House of Forbes to be considered is that of Tolquhon, descending from the undoubted third son of Sir John Forbes of the black lip and Elizabeth Kennedy of Dunure, who was also called John, and a knight. The date of this John's birth is not known, but it was probably about 1390. He does not appear to have been old enough to accompany his brother, Sir Alexander, on the expedition to England in 1408, and the first thing that is known about him is that he married, in 1420, Mariota (presumably elder) daughter and co-heiress of Henry Preston or de Preston, Thane of Fermartyn, with whom he got the half of that valuable estate. (The other daughter and heiress, usually called Marjory (though that name is really the same as Mariota¹), married Meldrum and conveyed to him the other half of the thanage of Fermartyn, consisting of the barony of Fyvie, etc.

The first charter of Tolquhon extant is that granted by Mariota Preston in her widowhood, with the advice of her *brothers*, giving half the lands of Fermartyn to John Forbes and the longer liver of them. He is not expressly called her husband in the charter, but it was granted in the year of the marriage, on July 6th, 1420. It is curious that no mention is anywhere made of any previous husband, except the above reference to her "widowhood," but he, whoever he was, obviously died without issue. The "brothers" alluded to, must have been illegitimate sons of Sir Harry Preston, unless indeed they were brothers of the unknown first husband. The witnesses to this charter were: John's brothers, Alex. of Forbes, knight, William of Forbes, Lord of Kynnaldy.

Sir John Forbes and Mariota Preston had three sons, John, 2nd of Tolquhon, Duncan of Ardgeithen (see p. 401), and David, called, according to Matthew Lumsden, David Foddan. Sir John died between August 6th, 1453, and July 15th, 1454.

Sir John Forbes, 2nd of Tolquhon, married Anne, daughter of Stratton of Laurieston, by whom he had three sons: Alexander, who succeeded; David of Essie, and Henry of Logie, whence the first family of Thainstone. (See p. 402.)

¹ And Tolquhon's wife is called Marjory by Matthew Lumsden!

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It seems probable that he had another son, Malcolm, who died without heirs, and may have been older than Alexander, who succeeded, for amongst the Tolquhon charters is one granted by William of Pantoun, Lord of Petmethan, and witnessed by James Lord Forbes, John Forbes of Tolquhon, knight (2nd Laird), John of Forbes, his eldest son, and Malcolm Forbes. The date is February 7th, 1451, shortly before the death of the first Laird of Tolquhon, and the last witness can hardly be his *great-grandson*, Malcolm, the 4th Laird. *John, 2nd Laird*, died before July 6th, 1469.

Alexander, the 3rd Laird, married Jean, daughter of Hay of Delgaty, and had one son, Malcolm, who succeeded.

4. *Malcolm* was served heir to his deceased father, Alexander, October 24th, 1487. He married by Papal Dispensation from Innocent VIII., Margaret,¹ daughter of James, 2nd Lord Forbes, and had three sons and one daughter: William, his heir, Thomas and James. The daughter married Alexander Cheyne of Arnage.

5. *William* was served heir to his father, Malcolm, on January 8th, 1509. He married a daughter of Leith of Barnes, and had two sons, John and Alexander, and several daughters. In 1522 he married, secondly, Isabel, daughter of the Earl of Erroll, and had a son, Arthur, and a daughter, Isabel.

On June 6th, 1527, William Forbes of Tolquhon granted to his eldest son John, and to "Janet Chein, wife of John," a charter of the lands of Mynnonny, signed at "Essilmont," the residence of Sir Patrick Cheyne, the bride's father. John died in his father's lifetime, and the next item in the Tolquhon writs is a charter under the Great Seal, given at Edinburgh, December 2nd, 1536, to Alexander Forbes, son and heir of William Forbes of Tolquhon, of the lands and barony, with tower and fortalice, and to the said Alexander Forbes and Alison Anderson, his wife, of the park and lands of Tiftie (presumably not the Tifty known in song, since that was part of the estate of Fyvie). One of the witnesses was George, Earl of Huntlie. A charter of conformation under the Great Seal and the usual sasine followed.

Alexander, the 6th Laird, succeeded his father shortly after the granting of the above charter. His wife was Alison Anderson, daughter of the Lord Provost of Edinburgh. He had two sons and two daughters:—

William, his heir; John of Bandlely, whence the family of Culloden. (See p. 403.) Janet, who married (1) William Forbes of Corsindae, (2) William Forbes of Fodderbirse. Isabel, who married (1) Thomas Cheyne of Strichen, and (2) the Tutor of Lovat.

¹ The Peerage gives her name as Egidia, after her mother, but the licence for the marriage, which is signed by the Bishop of Ostia, and is among the Tolquhon writs, calls her *Margaret Forbes*. The date of the licence is March 15th, 1487.

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Alexander was killed at the battle of Pinkie, September 10th, 1547,¹ and six years later there was an instrument of sasine in favour of his young son "William Forbes, as heir of the deceased Alexander Forbes of Tolquhon; the said William, according to the Act of Parliament on that head, should be held to be of sufficient age, because his said father had been slain in conflict with the English." He was therefore placed in possession of the lands, the liferent of his mother, Alison Anderson, only being reserved, and Mr. Duncan Forbes of Monymusk being appointed his curator, which shows that he was over 12 years, otherwise he would have had a "Tutor."

William, the 7th Laird, was in possession of the estates for over fifty years. He married Elizabeth, daughter of George Gordon of Lesmoir, by whom he had five sons: William, who succeeded; James of Knapperna or Knappernay; John of Pitnacaddell; Patrick, Burgess of Aberdeen; Walter of Auchreddie.

The order of the birth of the sons is given differently in various works of reference, but *this* is the order in which they sign a charter of sale executed by their father in 1585, and it appears that they should have known best.

William Forbes of Tolquhon was not present with other Forbeses at the battle of Corrichie, October 28th, 1562, as two days before it he was committed to the Tolbooth.

On October 27th, 1578, William Forbes of Tolquhon was made a gratis burgess of Aberdeen. Later, he seems to have fallen into poor health, for there is record of "Ane License granted to umquhill William Forbes of Tolquhon for eating fleschis, and for remaining at hame from wappin-schawis etc."

Another licence was granted by King James VI. on February 8th, 1582, to "William Forbes of Tolquhon to remain at home from all hosts, wars and raids and to be free from passing upon all inquests and assizes, because he has been for many years at least twice or thrice a year and for 3 or 4 months together subject to a disease in his eyes through a distillation out of his heid, whereby he is likely to lose his eyesight and because he has other diseases." (*Tolquhon Writs.*)

In 1588 William Forbes of Tolquhon and his sons, James and Patrick, subscribed a bond not to harm the Leslies. William refused to be a pledge for the others.

William Forbes, the 7th Laird, had one daughter, Janet, married to William Forbes of Corsindae, and another married to Robert Cumming of Altyre.

¹ And Duncan Forbes of Culloden, father of the Lord President, writing in 1702, said that at Alexander's death, the sole representers of the descendants of John of Tolquhon were Alexander's two sons.

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He died February 17th, 1596, and on the 20th March following his eldest son, William, was served heir to him. He built the fine Castle of Tolquhon, on which there still exists an inscription saying that, "all this warke, except the auld tower was begun be William Forbes 15 April 1584 and ended be him 20 October 1589."

William Forbes, 8th Laird of Tolquhon, married Janet, daughter of Sir George Ogilvie of Dunlugas, grandfather of George, 1st Lord Banff, and had by her five sons and four daughters. (1) Alexander, died in his father's lifetime; in 1616 he had

"a licence to go abroad and remain for three years without skaith to person or goods, provided he behave as a dutiful subject during his absence."

(2) Walter, his heir; (3) George of Craigie, who married Christian Cheyne, and died 1637; (4) Thomas of Waterton, of whom presently (see p. 416); and (5) William of Fingask, an advocate, married a daughter of Sinclair of Herdmanston.

The daughters were: Christian, who married Thomas Fraser of Strichen; Elizabeth, married Sir George Johnston, 1st Bart. of Caskieben; Isabel, married Sir Alexander Fraser of Philorth, afterwards 1st Lord Saltoun; Mary, married Sir John Gordon of Haddo, father of George, 1st Earl of Aberdeen, Lord High Chancellor of Scotland.

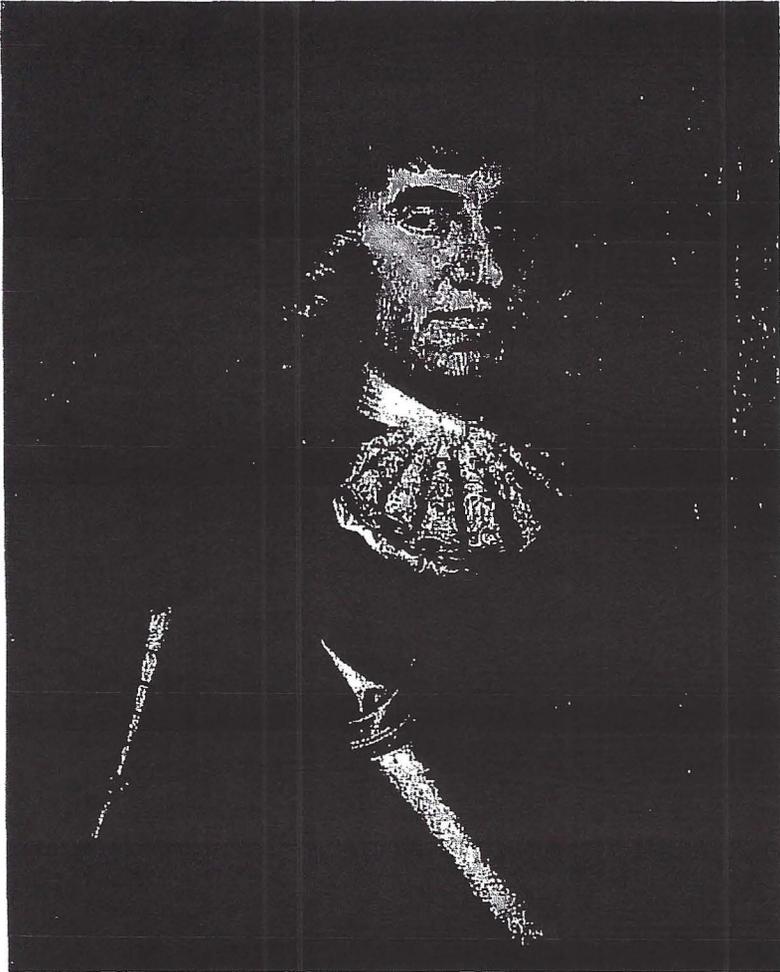
William Forbes had on December 3rd, 1616, a Commission to try persons suspected of killing salmon in the Ythan, and destroying woods.

During his lifetime William Forbes granted a charter "to Walter Forbes, his second son, of Thaynstone," which he bought for him, 1621. And to George Forbes and Christian Cheyne, his wife, a charter of Craigie, in 1628.

He also executed a charter dated 1632 settling the estate of Tolquhon on his five sons in order, and on their heirs bearing the name and arms of Tolquhon, failing them on William of Knaperna, his nephew, son of his brother James.

He died before 1641 and was succeeded by his second son, Walter. When over 80 years old, his portrait had been painted by George Jamesone and is still at Whitehaugh.

"One incident which took place at the Cross in 1640, when the town was in possession of the Covenanting army, is worth recording. A quarrel having arisen between the young Laird of Tolquhon and one George Lesly, both officers in the army, in which the former was wounded, Earl Marischal ordered an enquiry into the circumstances. After due investigation Lesly was found to have been the aggressor, and sentence was given that his hand should be struck off, a punishment apparently out of all proportion to the smallness of the offence. Preparations were accordingly made for carrying the sentence into effect—a scaffold was erected, a block set upon it, and a fire kindled beside it on which an iron was being heated for searing the stump when the hand had been severed at the wrist. All being in readiness Lesly stepped forward, laid his arm on the block, when, just as the axe was poised to administer the stroke, the Master of Forbes—acting



SIR ALEXANDER FORBES OF TOLQUHON.

(See page 397.)

*(From portrait at Whitehaugh, by permission of
L. McD. Chalmers, Esq.)*

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no doubt on instructions secretly given him by Earl Marischal—advanced, and, taking the culprit by the hand, freely forgave him, and nothing more was done.”¹

Walter, 9th of Tolquhon, had married before 1626, Jean, daughter of John Forbes of Pitsligo, by whom he had four sons and a daughter :—

Alexander, his heir and 10th Laird ; Thomas, who succeeded Alexander ; John of Edinbanchory (see page 426) ; William, and one daughter, Jean.

In 1653 Alexander Forbes, younger of Tolquhon, became a burghess of Haddington ; in 1641 he had sasine on Tolquhon. In 1657 Walter Forbes made a settlement on each of his three younger sons, and also settled 12,000 merks, secured on Tolquhon, on Jean, his only daughter. Walter Forbes died between May and October, 1661, and was succeeded by his eldest son.

Of *Alexander, 10th Laird of Tolquhon*, there is much picturesque history. Walter, his father, had been a Covenanter under Argyll, but Alexander was a Royalist and fought in the Scottish Army for King Charles at Worcester, where it is said there were thirty Colonels from Aberdeenshire. He was largely instrumental in saving the life of his sovereign there.

He was in command of a troop of horse, with which he came to the King's assistance, mounted him on his own horse, and saw him safely off the field, though he himself was badly wounded. For these services he was knighted on the field by the King, who on riding off said to him, “ Goodbye, Sir Alexander.” Charles long afterwards, to his credit, remembered the circumstances, remitted a fine of 10,000 merks to which Sir Alexander had been condemned, by the Kirk Session for immorality, granted him a “ nolle prosequi ” to put an end to another suit pending against him, and confirmed his rank as knight banneret with seniority dating from 1651 ; remarking, to those who said the proceedings on that occasion had been irregular, that “ if so, it was due not to Sir Alexander's want of merit but to his Majesty's want of time.”²

On February 24th, 1661, Sir Alexander Forbes of Tolquhon knt. had sasine in liferent and his brother Thomas, his heir, in fee, of the barony of Tolquhon and of lands in Fyvie. Besides much worry with his creditors, Sir Alexander seems to have got into trouble with his neighbours in Aberdeenshire, by making

¹ Curiously enough, exactly the same story is told as of William Forbes of Tolquhon and William Fraser of Boghead, who is said to have been the aggressor and to have struck Tolquhon but “ was reprieved by Lord Forbes at the place of execution.”

² In the *Register* of the Privy Council, March 24th, 1664, there is a complaint by Sir Alexander Forbes of Tolquhon that he was, while peaceably attending to his affairs in Edinburgh on the 3rd of March, apprehended by the heralds and pursuivants, who deprived him of his arms and detained him prisoner upon pretext that he had not paid the dues belonging to the heralds for the honour of knighthood bestowed upon him in 1651. The Lords of the Privy Council found that the said heralds had no right to any dues, which should have been paid to their predecessors, and ordered them to refund the 100 merks which Sir Alexander Forbes had now paid them and “ forbid them to use any discharges or captions against noblemen or gentlemen in tyme coming, without they first have a warrant from the Lord Lyon to that effect.”

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a raid on the cruives of the Don, though he had no property in the actual neighbourhood of the river. He became a burghess of Banff in 1663, of Glasgow in 1685, and of St. Andrews in 1690. He married Bathia, daughter of Sir Archibald Murray of Blackbarony, but had no legitimate issue and was succeeded at his death, on July 31st, 1701, by his brother Thomas, Burgess of Selkirk, 1686.

Sir Alexander Forbes of Tolquhon and his brother were, on January 27th, 1680, accused of wrongful intromission at Edinburgh.

" In contravention of the laws of this realm, Christian Fraser, widow of Mr. Arch^d. Burnet of Craigmyle, being enticed and prevailed with by Sir Alexr. Forbes of Tolquhon, by the mediation and advice of Thomas Forbes, his brother (who received a stoned ring upon that account) to abstract and clandestinely put away her said husband's goods, she at sometime during 1670, 1671, and 1672, delivered to Sir Alexr. F., without her husband's knowledge or consent, the whole silver work, jewels, chains, rings and others belonging to her husband and contained in an inventory herewith produced, valued at 2000 merks : and although Alexr. Burnet, now of Craigmyle, as heir and executor to his father, has right to the goods and has often required the same from Christian Fraser and Sir Alexr. Forbes, yet they refuse to deliver the same to him and are disposing thereof at their pleasure. Charge having been given to them, and both parties with their procurators compearing personally, the Lords remit the matter to be discussed summarily by the Lords of Session. (*Privy Council Records.*)

Before Sir Alexander could venture to journey to Edinburgh to answer this charge he had to obtain a protection to ensure him against arrest by his creditors.

Among other obligations was one to the Kirk Session of 10,000 merks, a fine incurred for having refused to perform the penance imposed on him for immorality.

Thomas Forbes (of Little Auchry), 11th Laird of Tolquhon, only held the estates for a few weeks, as he died in August, 1701, but that was before the days of death duties, and not so serious as it would be at present. He had married Henrietta Erskine, daughter of James, Lord Auchterhouse, 2nd Earl of Buchan, and had two sons, William and Thomas.

His widow subsequently married Alexander Abercromby.

William, his eldest son, succeeded as 12th Laird of Tolquhon. He married in 1706 Anne, daughter and heiress of John Leith of Whitehaugh, by whom he had two sons and a daughter.

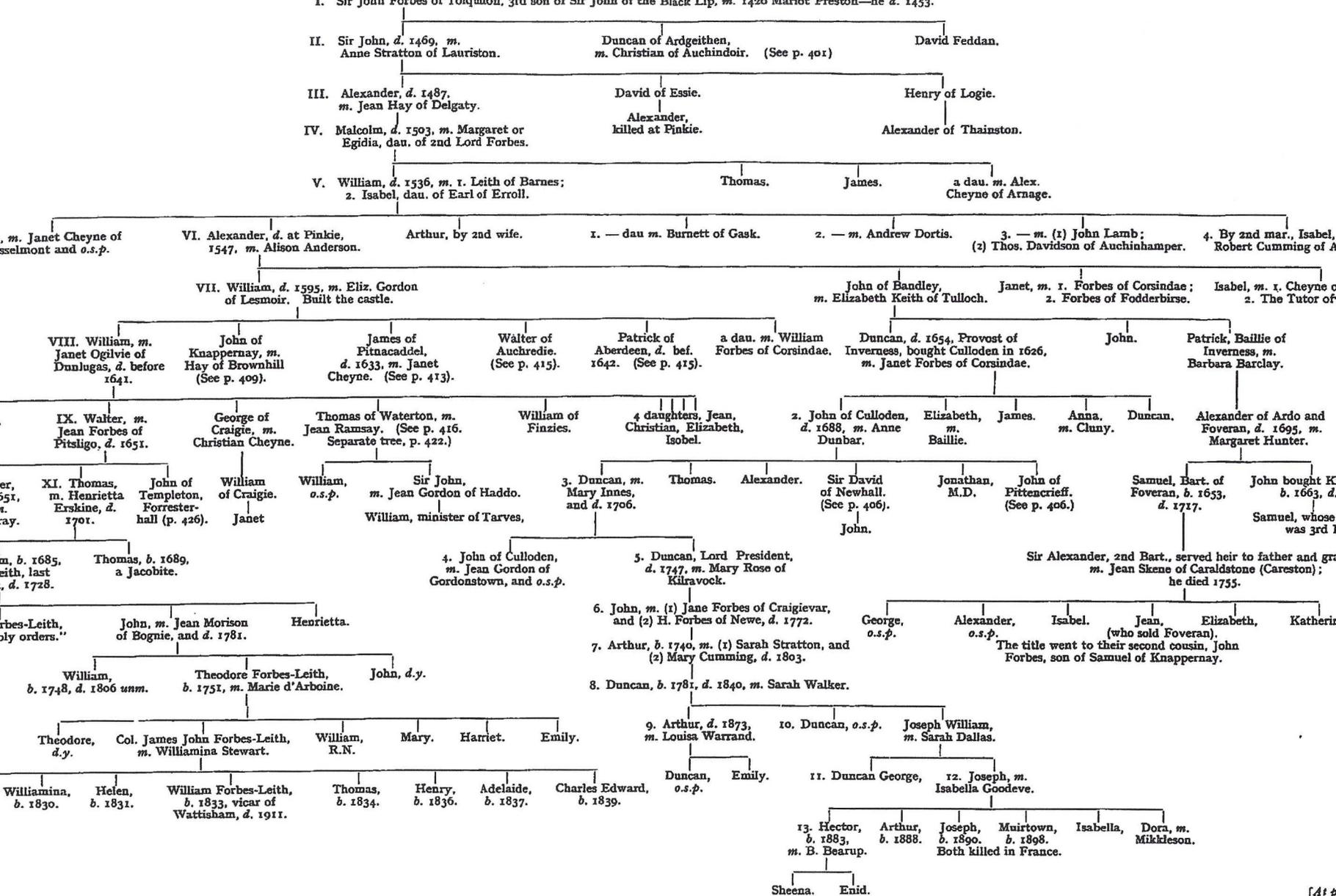
His brother Thomas, born in 1689, became a Jacobite of the 1715 rising, being one of the personal suite of the Old Chevalier. He escaped abroad in 1716 and joined many of his fellow exiles in Leyden.

William, the 12th Laird of Tolquhon, succeeded to very little except the empty title. Both his father and uncle had been speculators in the Darien Scheme, which ruined so many Scots landowners and others ; the estate was practically bankrupt and the creditors attempted to take possession. Their title was not quite clear and William Forbes refused to leave his Castle,

FAMILY TREE

No. 19

FORBES OF TOLQUHON WITH FAMILIES OF CULLODEN
AND FOVERAN



though it was actually sold by order of the Court of Session in November, 1716, to Colonel Francis Farquharson, and afterwards passed to the Earl of Aberdeen. On September 25th, 1718, the creditors having obtained military assistance, attacked and took the Castle, wounding and taking prisoner the former owner, who after being set at liberty, retired abroad. He died in London in 1728 and his wife, Anne Leith, ten years later. Both are buried in Westminster Abbey, where a black marble stone with his arms was placed, but has now disappeared.¹ They had two sons, William, who took Holy Orders and became Vicar of Thornbury, but died without issue 1761, and John, who succeeded his grandfather (Leith) and his mother in the estate of Whitehaugh, and assumed the additional name of Leith, becoming Forbes-Leith.²

Anne Forbes drew her annuity until the date of her death; it was apparently a charge on the estate assumed by the purchaser, for two discharges by Anne Leith, Lady Whitehaugh, relict of William Forbes of Tolquhon, of this sum to William, Earl of Aberdeen, for the year 1738 still exist.

FORBES-LEITH OF WHITEHAUGH.

1. John Forbes-Leith succeeded to the estate of Whitehaugh, married in 1744 Jean Morison of Bognie, and had three sons, William, Theodore, M.D., and John, died young.
He died in 1781.
2. William died unmarried in 1806. He was a burghess of Aberdeen in 1763, and of Elgin and Inverness in 1767.
3. Theodore, who succeeded, married Marie d'Arboine and had three sons and three daughters: Theodore, died young; James John, who succeeded and William, R.N.; Mary, Harriet and Emily. Dr. Theodore died 1819 of lockjaw, caused by a broken collar-bone.

¹ The following details are taken from the *Registers* of Westminster Abbey:—

" 1728. William Forbes Esq. died April 4th in the 42nd year of his age. Buried the 10th under a large stone next the south angle of Mrs. James' Monument in the North Cross of the Abbey, 3 foot deep.

" 1738. Ann Forbes died Nov. 11, aged 59 years and was buried ye 17 in ye North Cross of ye Abbey in the same grave with her husband.

" About 1757 the Monument to Dame Mary James was moved from its original position and the present monument to Admiral Watson put in its place. This monument is at the end of the West Aisle of the North Transept, which has been refloored and there is now no trace of the Forbes gravestone."

² He seems to have carried on the Whig traditions of the family, for in a list of persons in Aberdeen and Banff from whom loans of money are to be exacted by Lord Lewis Gordon, 1745, appear these names: "Troup, £1000; Sir Arthur Forbes, £500; Lord Aber (*sic.*), £2000; Lord Saltoun and Master of S., £500; Lord Braco, £2000; Hatton and his son, £500; Forbes Leith of Whiteh, £200; Mr. Meld, £200." (*Stuart Papers*, at Windsor.)

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4. James John was Colonel in the East India Company's service, married 1877, Williamina Helen, daughter of Colonel Stewart of Shambelly, Dumfries, 42nd Highlanders. He died in 1841, and had the following children: James, died young, 1875. William, born 1833, Vicar of Wattisham, Suffolk, married Marianne Harvey. Thomas Augustus, born 1834, died 1896. Henry, born 1836, died 1853. Charles Edward, born 1839. Williamina, born 1830, married W. J. Lumsden of Balmedie. Helen Maria, born 1831, married R. W. Hepburn of Rickarton. Adelaide Isabella, born 1837, married Lieut.-Colonel A. B. Fyers, and died 1874.
6. The Rev. William Forbes-Leith succeeded to the representation of the family, but the estate has been sold. He died September 19th, 1911, and his wife, Marianne Louisa Harvey, February 2nd, 1912. They had no family.

NOTE.—By the kindness of the present owner of Whitehaugh, three of the Forbes portraits still there are here reproduced.

The names now attached to the frames have been at some time or other placed there in error. The husband and wife in 18th century costumes, facing page 399, are obviously the last laird, William Forbes, and his wife, Anna Leith, while the man in 17th century armour, unnamed, at page 396, is Sir Alexander of Worcester fame, who died in 1701.

He is described by Thomas Blount as "Sir Alexander Forbus, the first knight his Majesty made in Scotland." (*Boscobel the compleat history of his Sacred Majesties most miraculous Preservation after the battle of Worcester, 3 Sept., 1651.*) London, 1680.