

houses "if they ony haif" and if not, then at the market cross and charged as if they were present to appear in court; they having disappeared into "severall secrete corneris of the countrey."

On the back of the petition is

"Apud Edinburgh xxiiij Aprillis 1611. Fiat in petitur.

Signed. S. R. Cockburne."

Written at the foot,

"Sir, pleis pas this."¹

Magdalen's second husband, Sir John Carnegie of Ethy, was created Baron Lour, and in 1647 Earl of Ethy. These titles he exchanged in 1662 for that of Earl of Northesk and Baron Rosehill.²

When Magdalen married him and removed to Ethy she brought her bed with her from Dun and it remained at Ethy until recently, when the place was sold. It is an oaken four-poster; and as its head is carved with M. H. and the arms of Halliburton of Pitcur and J. E. with the arms of Dun, she finished her final spell of married life lying beside her second husband under the initials of her first one.

¹ Privy Council Register.

² *Reg. Mag. Sig.*

CHAPTER VIII

"MURTHOUR"

WHEN the ninth Laird breathed his last the family had shrunk from its customary size. The troops of sons and daughters with which the preceding generations flanked themselves had melted like mist; he himself had been one of two children, and his uncle David was dead. Magdalen had given him no son. There was nobody left but his uncle Robert, his four aunts and David's little ten-year-old boy (now the heir), with his younger brother, Alexander. Jean, the eldest of the sisterhood, was married, but Isobel, Annas, and Helen lived with their mother at Logy; Robert was the only man in this nest of women.

There are two Logys near the House of Dun within a short distance of each other; Logy-Pert, situated on what was then the Muir of Pert—now shrunk to the size of a village common—and Logy-Montrose on the North Esk. It was at the latter, the home of Agnes Erskine—Lady Logy, in Scottish parlance—that there rose the black spectre of the evil that was to engulf the family. To-day it is only a very small hamlet protected by a clump of tall trees. A ruinous white house of two storeys stands alone with an overgrown garden beside it, the windows gape and the steep roof is broken. It is known as 'the old manse of Logy,' but it is

built on the foundations of a yet older structure. As there is no trace of any more ancient dwelling to be discovered about the place these may well be the foundations of the original Logy that sheltered Robert and his womenkind. The river runs east of it, below deep banks across which you may look up the wind-swept slopes to the irregular chain of lesser hills between the Grampians and the coast.

Robert was a man of some standing; he had been a Councillor of Montrose and was a Bailie of that burgh in 1602.¹ Lord Mar² was Provost in the following year, and Robert and his uncle, Arthur Erskine, had been second and first Bailies respectively,³ and both got themselves into trouble, for while David was alive there was a mighty row in Montrose in which Arthur and Lichtoun, Laird of Usan, were the chief combatants and they were fined five thousand merks each. David and Robert either joined in it or had a separate riot of their own with the Lichtouns and were ordered to Dundee to remain there till the Privy Council should declare its will against them, under a like penalty. Arthur, with one William Bailley, a burgess, and Alexander Douglas in Balhoussie, went surety for them, and had himself to go into ward in Blackness Castle. As the Privy Council record of these disturbances gives no dates of month and puts all the entries together under 1604, it is impossible to know how many of them there were and who was against who. They only serve to show that after two hundred

¹ *Charter Chest of Montrose*, vols. i., ii. ² John, seventh Earl.

³ *Charter Chest of Montrose*, vols. i., ii.

years Montrose was still the chosen arena of the family.

The two little fatherless boys, John and Alexander, had not been left in Robert's care, as might seem natural; the guardian to whom they were committed being another John Erskine, probably a relation, and minister of Ecclesgreig.¹ He had been selected by the ninth Laird on his deathbed as tutor testamenter to his dead cousin's children. It has been supposed that he and John Erskine of Kirkbuddo, the Superintendent's youngest son, were the same person; but that is an error, as Kirkbuddo was dead by the end of 1603,² while the minister was alive till 1621.³ His inventor and testament-dative were confirmed at the Commissariat of St Andrews on 4th July of that year. He must have been a man of character, for it is told of him that he was the only minister north of the Tay to oppose the Five Articles of Perth when James the Sixth called the Assembly there to impose a form of worship which the country detested. Though James's henchman, Archbishop Spottiswoode, managed to force a successful issue, the Conference must have been a strange affair if Row's account of it is to be believed. The Articles were read 'with the advertisement to all voters,' he says, "Remember upon the King, the King will have the Articles concluded, yea, if ye will not pleasour the King in this, we thirteen sall doe the turne by you." Before the voting a threat was made to report

¹ Assigination of Agnes Ogilvy, Lady Logy, in favour of Dame Magdalen Halyburton, Lady Carnegy (Dun Papers).

² *Forfarshire Retours*.

³ *Fasti Ecclesiæ Scoticanæ*.

every dissentient voter's name to James. No debating upon separate Articles was allowed and all had to be passed in the lump. Eighty-six of the ministers were docile and forty-seven, including Erskine, risked having 'the turne' done by them.

In 1614 the Reverend John was translated to Dun,¹ and it is supposed that the arms of Erskine of Dun, quartering Wishart of Pittarrow, on the pulpit of Dun kirk—already spoken of—are his; they are dated 1615, the year after his translation to the parish, and must have stood behind his head during the years that he preached there. If this be so, it may possibly answer the question of his parentage and prove him to have been born in a family possession; for there was a George Erskine, younger, in Cottrow of Dun, whose wife was Katherine Wishart. Her testament was confirmed at the Commissariat of St Andrews, 11th December 1592. This couple may have been his parents. To carry speculation further, the pulpit was possibly his gift, for he was a man of substance as times went. At the time of his death his utensils and books were valued at two hundred pounds Scots; and three hundred and thirty-three pounds, six shillings and eight-pence Scots was owing to him for the building of the manse, its inventory amounting to seven hundred and thirteen pounds, eleven and fourpence Scots.²

It would be instructive to know whether it was for his qualities alone that he had been chosen as tutor or whether any feeling of distrust had made the dying Laird pass Robert over for him.

¹ *Fasti Ecclesiae Scoticanæ*.

² *Ibid.*

Robert was bitterly aggrieved that the choice had not fallen on himself because he was 'as nearest agnat¹ of blude to thame . . . defraudit of the charge of thir bairns and thir estait.' It is the last two words of this sentence that tell what Robert really regretted. The first growl of the storm that was coming sounds in an entry in the Privy Council Register, dated 12th November 1610.

"The Lords being informed that David Blewhouse² in the Leys of Dunne, Thomas Scone there, George Kirk there, Gilbert Campbell there, and Irische James, ane vagabounde, have upon some godles wicked and detestable opinioun resolved to take the lives of John Erskin of Dun and Alexander Erskin his brother, two young boys, the eldest not past ten years, either by poison, witchcraft or some other devilische practise. Commission under the Signet subscribed by Blantyre,³ John Prestoun⁴ and Sir J. Hamilton⁵ is given to John Earl of Mar to apprehend the said persons and to keep them apart in different chambers, and if on their examination there shall appear to the said Earl a probability of the truth of the charge but the said persons shall preise (try) to obscure the same or any other contradictioun in their dispositiouns there to cause put them to the tortour."

The strange story that follows is taken from the Denmyll MS.; the folio is in the Advocates' Library, now the National Library of Scotland.

Circumstances had put Robert into the exact position of the wicked uncle of romance, for the lives of the children John and Alexander were all

¹ Nearest relation on the father's side.

² The Privy Council Register calls Blewhouse "a quack."

³ William, Lord Blantyre, died 1632.

⁴ John Preston of Valleyfield, afterwards knighted by James VI.

⁵ Sir John Hamilton of Magdalen, afterwards Clerk Registrar, "a good man, but void of learning" (Scotstarvet).

that stood between him and succession to the barony of Dun; no doubt he looked upon the guardianship of the minister less as an affront than as a strong obstacle. 'Within the place of Logy, about Mydsomer in the year of God I^m sex hundreth and ten yeiris' he and his sisters Isobel, Annas and Helen consulted together how they were to get rid of their nephews and decided that witchcraft and poison were the means that would suit them best. Having settled that, two of the sisters departed from Logy and went to the Leys of Dun where the aforesaid *posse* of scoundrels had their habitation.

The Leys is now a farm which sits on a slope above the modern kirk of Dun looking over a stretch of miles of wooded country towards Forfar. Behind it the ground drops again to a burn, across which Dun's Muir then lay; it has been reclaimed, but it remains rough and unkind to this day; the haunt of tinker and tramp. The smoke of their fires curls up yet from the thickets of broom. It must have been a perfect refuge for the 'vagabounde' Irische James.

The women arrived at the Leys and unfolded their plan to Blewhouse. He was to find and engage a witch who would do away with the boys, and for this service they undertook that Robert should pay him with 'ane possessioun' out of the lands of Dun and five hundred merks in silver on the morning after their death. They went back to Logy having, as they thought, driven their bargain.

But either they had made too sure of their tool or Blewhouse's heart failed him; nothing more being heard from him, Robert himself set off for the

Leys and asked him what was being done in the matter. He was unable to get any good out of the man and returned unsuccessful.

There was little of the dashing adventurer about Robert; rather he appears to have been a mean and cautious knave, a hanger-on to his sisters' petticoats, who had no scruple in trying to shelter behind them when the Nemesis of his crime overtook him. When Blewhouse had disappointed him it was Annas and Helen who made the next move. The MS. goes on to tell how these two 'of the speciall causeing, sending, hounding-out, airt, pairt-taking, counsell and devyse,' rode out of Logy to consult a woman named Jonet Irving, 'ane notorious Witch and abuser of the people.' She lived over the border of the Mearns and the only way of reaching her was by crossing a high, barren hill called the Cairn o' Mount which lies on the skirts of the Grampians between Angus and the valley of the Dee. The present road runs over it through the heather, immensely steep and without an inhabited house, high above a narrow, deep glen; a burn flows southward at the bottom to emerge at a place called the Clattering Brig. This road is certainly the one by which the sisters travelled, because it is the sole opening through the mass of the hill and the most direct route to their goal. The way across it, as they saw it, can hardly have been more lonely than it is now, though it was a mere mountain track through stones and ling. It was late when they started on their sinister journey and 'past in ane evening from the said Place of Logy over the Cairnmonth towardis the Muirailhous.' There they met the witch.

Nobody now is sure of the site of the Muirailhous; but it is supposed by those who know that part of the country best to have stood at a place called Scollie's Cross, formerly a squalid public-house by the intersecting of the Mount road and a track between the village of Auchenblae and Birse. It must have been a long ride to accomplish in an evening from the House of Logy; across the North Esk bridge, past Fettercairn and over the elementary roads of the very early seventeenth century to the worse track that crawled across the height of the Cairn o' Mount; they could not have gone very quickly. But it was summer and the late light of the northern Scottish night, by which a man may often read his book till ten o'clock, was in their favour. There is no record of who went with them. Certainly they would not have gone unaccompanied through those lonely parts in times when all travel was something of a risk; and it is equally certain that any servant they took with them on such an errand must have been in the secret.

There is a portrait of Helen in the House of Dun. It is no great work of art, but it gives a distinct idea of a personality. Everything about her is long; her nose, her eyes over which the eyelids droop, the upper lip above her strong, heavy mouth. Her hair, hanging in curls in the fashion of her day, is bunched over the long oval of her face. She was supposed to be the best of the three sisters, which makes one wonder what the other two could have been like. Her expression is sly, resolute and rather cruel, with a possible humour as its redeeming point; she wears a dark

dress with an ornament in the front of the bodice shaped like a bunch of grapes.

She and Annas went back to their brother at Logy laden with bundles of poisonous herbs that Jonet Irving had given them. She had explained their uses and how they were to be prepared, but Robert was sceptical and would not believe that the innocent-looking things could really take away a human life and had power to do 'that wicket turne for the quhilk they had been brocht'; and he was so much persuaded of this that to satisfy himself he took horse for the Muirailhous. One of his familiar scoundrels from the Leys of Dun, John Kirk, crossed the Cairn o' Mount with him. He came back reassured.

There was much consultation before they could make up their minds to the crime, but the MS. says that they took the herbs at last and kept them lying steeped in ale for a long time; again, when the brew was ready, they debated whether or no it should be thrown away and the plot abandoned, but in the end they agreed to use it.

It is here that the four are shown in their most detestable light; for the poor little victim John was living with them at the House of Logy during the time that they were scouring the country and busying themselves with the instruments of his death, and they must have heard his talk daily and watched his play, knowing how short a time he would have to enjoy it. His smaller brother was with his mother in Montrose, but in order that they might deal with both children at once, two of the sisters mounted their horses and rode to the town taking John with them. Gilbert Campbell

from the Leys, Robert's horse-boy, escorted them; one can picture their start with the little boy between them, pleased, as any child would be, with the thought of the ride and the prospect of seeing his mother at the end of it.

This story is taken from the Dittay, or Charge, brought later against Robert at his trial, and shall be finished in its exact wording.

"And thair, of the said Robert Erskine his knowlege . . . the said poiseable drink was gevin to the saidis tuo boyis, his brother-sones; Quhilk drink, eftir ressaiving thair of wrocht so violentlie upone thame, that immediatlie thaireftir they tuik sic an extraordinar preise of vomeiting, that na persone expected for thair lyfe; Be occasioun of the quhilk poiseable drunk, as ministrat and gevin to thame, the said Johnne Erskine, the eldest of the tuo, contracted sic a deidlie diseas and seiknes, that his skyn turning all blak and his haill nobill pairtis inwardlie consumeing, he dailie and continuallie thaureftir dwynnet in gret dollour and pane, to the tyme of death, viz. to the terme of Whitsonday last; at quhilk tyme, he in maist lamentable manner deceissit of the said venomous and poysonable drink, uttering befor his death yhir or the lyk wordis, to all sic as war present, 'Wo is me, that I had richt of successioun to ony landis or leving! ffor gif I had bene borne sum pure cottaris sone, I had not bene sa demanit (handled) nor sic wikket practizes had bene plottit aganis me for my landis!' And sa was crewallie and treasonabillie Murthourit. . . . Lykas, the uther of the saidis tyo boyis remainis as yet sair visseit with intollerable payne, and seiknes universall throw his haill body, be occasioun of the said drink gevin to him at the tym foirsaid; of quhais lyfe thair is na hoip. . . ."

It was not till 30th November 1615, nearly three years after the commission of the crime,

that Robert was brought to justice and his examination begun in Edinburgh. He had been apprehended some time earlier but given bail, and as no bail was forthcoming, put to the horn, in which condition he remained until the above date; there is nothing to show exactly when the horning took place. He was examined by four Lords¹ of the Privy Council, says the Denmyll MS., and 'eftir diuerse denyallis and confrontations with some who avowed that mater upon him, he is come to a cleer Confessioun of the haill treuthe . . . that he was a deallar, consultor and consenter to the Murthour. . . .' In his confession, 'come to,' as it is expressed, 'eftir lang dealling with him thairintill'—which of course means torture—he denounced his three sisters as having been the originators and chief instigators of the murder. Commission was then given to Mar to apprehend them, and direction was given to put Robert on his trial.

On 1st December, next day, this was done, Sir William Newton being prosecutor. The Dittay, to which Robert had confessed, was produced with the Letters of Horning and he was referred to an Assize (see Appendix H). Before the Assize he again confessed, whereupon the confession, signed by him and witnessed by some Lords of the Privy Council was read again. He was found guilty without a dissentient voice and condemned to be beheaded at the market cross of Edinburgh and all his movable goods to be escheat.

¹ Sir Alexander Hay, Clerk of Register, Sir John Cockburn of Ormiston, Justice Clerk, Sir William Oliphant of Newton, King's Advocate, and Sir William Hart. They were directed to use torture, if necessary. (Privy Council Register.)

Before night he was executed.¹

On the same day a commission was given under the Signet to commit Isobel, Annas and Helen to the Tolbooth of Edinburgh, together with Jonet Irving at Muirailhous, Gilbert Campbell and John Kirk; the two last are described as sons of John Kirk in Logy—which place and the Leys of Dun seem to have produced a whole brood of miscreants for Robert and his sisters. All were to be apprehended on suspicion of trafficking in witchcraft and poisoning and for the murder of John and Alexander, their nephews, although, as will be seen later, Alexander was not yet dead. On the 16th of the same month their examination was begun, and as the sisters stoutly denied everything their brother had said, it was decreed that they should be 'confronted with on (one) who assisted thame in counsell and executioun of that deede'; if they should persist in their denial they were to be put to the torture. There is no further account of their examination, but these bald words give an idea of what the process of justice was like in those days.

The women had a long time to meditate on what was before them as they lay in the Tolbooth of Edinburgh, for their trial was put off until June of the ensuing year. Through the dark months of winter and spring the scaffold must have loomed large to their minds, though perhaps its swift horror was almost welcome to them as an end to the slow days in that gruesome place.

At the trial they were prosecuted, as their brother had been, by Sir William Oliphant. There

¹ Denmyll MS.

appeared for the defence Mr Laurence McGill and Mr Thomas Wilson, advocates, with Mr William Keith, Patrick Bruce and John Erskine, minister of Ecclesgreig. The two advocates produced a Privy Council warrant by which they were charged to appear for the sisters, complaining of the short time given them to prepare the defence and asking for a few days' postponement. This was refused.

It was objected by the defence that the Dittay was irrelevant in three points; first, in the alleged consultation with Jonet Irving, witch; neither the words used by the sisters nor her replies to them had been produced; second, in the alleged receiving of the poisonous herbs for the uses contained in the Dittay, neither the names of these nor their properties had been given; third, the alleged injunctions given for the using of them had not been set down. To this it was answered that the whole indictment covered all the points objected to and that the Dittay should be submitted as it was to the Assize; it was judged to be relevant in spite of the objections put forward.

Sir William Oliphant, for the verification of it, produced a letter written by the uncle of the prisoners, Arthur Erskine, containing their confession of the crime of which they were accused and their penitence for it with a petition that their sentence should be mitigated to transportation. The letter was shown to the minister of Ecclesgreig, and he was asked whether the writing was that of Arthur Erskine. He admitted it to be so.

After this the King's Advocate brought forward the deposition made by Robert that his sisters were the originators of the crime and that they had

acted in the way described. He also repeated the affirmation made by Blewhouse in his former deposition and caused it to be read over to him with those of Gilbert Campbell and John Kirk, desiring the Assize to consider them. The Assize, by a majority of votes and by the mouth of Thomas Craigengelt of that Ilk, found all three prisoners guilty. They received the same sentence as their brother, and Isobel and Annas were executed within twenty-four hours.¹

Helen was taken back to prison, where she remained for nine long months. It was not till the 22nd of March 1617 that she was brought out of ward to hear what her fate was to be. A Privy Council Act had commuted her sentence to one of banishment for life; the reason for this leniency was that she was 'mair penitent though less giltie' than her sisters and therefore deserved more pity. She was to leave the kingdom within forty days and not to return without the king's license on pain of death without favour or mercy. The sentence was announced by John Dow, dempster of the Court.²

Her end was far from the one she contemplated as she lay in her prison, the last survivor but one of Logy's children. She went to Orkney and there she met Patrick Halcro 'in Weir,' great-grandson of Malcolm Halcro, Canon and Provost of the Cathedral in that island, and five years after her condemnation she was married³ to him. Their son Hugh had a daughter who became the wife

¹ Denmyll MS.

² *Ibid.*

³ *Erskine-Halcro Genealogy* (Ebenezer Scott-Erskine, pub. Bell & Sons, York Street, Covent Garden, 1890).



HELEN ERSKINE



MARGARET ERSKINE, WIFE OF SIR JOHN CARNEGIE
OF BOYSACK

of the Reverend Henry Erskine, one of the family of Erskine of Shieldfield, in 1674, and gave birth to the brothers Ralph and Ebenezer Erskine, the celebrated divines (see Appendix I). Thus Helen passed from the degradation of the Tolbooth to the ancestresship of pious men whose name, though it had not come down to them through her, was the same as the one she had disgraced.

There are many strange points about this murder story and the strangest one is the lapse of time between the administration of the herbs and the death of their victim—nearly three years, from about Midsummer of 1610 to Whitsunday 1613. The fact that the poison took thirty-five months to attain its end shows that the envenomed ale must have been given to the boys from time to time. Yet how was it that in an age when nearly every disorder the reason of which was not outwardly apparent was attributed to foul play, no member of the family had a suspicion of what was going on? Where was Jean Maule, the children's mother, and where was the specially selected guardian? Jean may possibly have been dead, for there is no mention of her at the trial in which she might be looked for as the principal witness; but the minister of Ecclesgreig, then just translated to Dun, was both alive and present when the sisters were convicted; not only that but he appeared for their defence. How was it that he was so blind as not to guess that his charges were being tampered with? The man who would benefit by their death was one who might have access to them at any time and he had not far to go to find him. Robert's name does not occur in the Com-

mission to Mar for the apprehension of Blewhouse, but it should have been clear to anyone that the death of the brothers would be useless to Blewhouse without the connivance of somebody who would make his part in it worth while. There is nothing on record to bridge the gap between the Commission to Mar and the final retribution; and the questions that suggest themselves sink back into the half-light that surrounds ancient tragedies, and can never be answered.

CHAPTER IX

ALEXANDER

"OF quhais lyfe thair is na hoip." The words, which occur in the charge against Robert, are the probable cause of the belief that both boys perished; and the proof that the Alexander retoured¹ in the lands and barony of Dun in 1621 was the brother of the poisoned lad—recovered in spite of the apparent hopelessness of his case—must be set down.

First: the Assignation of Agnes Ogilvy,² widow of John of Logy, who resigns the liferent of Balwylo in January 1614 in favour of her granddaughter-in-law, Magdalen Halliburton, in return for the latter lady's liferent in Mains of Dun, granted, says the deed, by *Alexander Erskine of Dun* and his tutor, John Erskine (the minister of Ecclesgreig). This shows the boy to have been alive a month after Robert's execution. That he lived to manhood is proved by the letters directed to him as Laird of Dun in after years by Patrick Maule of Panmure, which begin "Noble *neroy*." Patrick Maule was Jean Maule's brother.

When Alexander succeeded to his inheritance and to the Constableness of Montrose³ James the Sixth was still on the throne. Episcopacy had

¹ *Forfarshire Retours*.² Dun Papers.³ *Forfarshire Retours*.