

‘The monuments of a family’: a collection of jewels associated with Elizabeth of Bohemia

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ABSTRACT

This paper examines the evidence of three lawsuits relating to the ownership and dispersal of a collection of jewels and plate associated with Elizabeth of Bohemia, daughter of James VI and I, and prints a contemporary inventory.

The court of session records held by the National Archives of Scotland provide a vast but underused source for many aspects of Scottish life over the last five centuries. They are underused because of their bulk and lack of adequate indexes but a persistent researcher may be rewarded by a wealth of information on persons, places or events in the past. Nevertheless this source must be used with caution. As a 17th-century judge, Lord Stair, complained:

It derogates much from the honour of the Session, and from the estimation and security of their decreets, and hinders the dispatch of justice, that all things (whether in matter of law or matter of fact) are congested in their decreets, which do contain the reiterated and various disputes and interlocutors, and the frequently repeated bills and answers and interlocutors thereupon inserted *verbatim*: whereby decreets arise to such a bulk and are so nauseous to the perusers of them, that they will exceed sometimes forty sheets of paper and more; and take a long time and expensive attendance, before such decreets can be extracted.¹

These strictures apply to the records of the three cases on which the present paper is based.² They record assertions rather than proved facts and, even where there seems to be agreement about facts, the parties’ lawyers have tried to interpret them in a manner favourable to their clients. The narrative of facts is usually taken from the pursuer’s (plaintiff’s) summons and is thus biased towards him and against the defender. In the first two of our cases the pursuer was John Ramsay; in the third the defenders were his daughter, son-in-law and widow. We thus have two versions of the facts and two conflicting interpretations of Ramsay’s conduct.

The central event in our story was set in the aftermath of Cromwell’s victory at Dunbar on 3 September 1650, which opened Edinburgh to the English invaders. Ramsay was one of those who found it prudent to withdraw from the capital:

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After Dunbar fight the English marching straight towards Edinburgh all the inhabitants were in great consternatione how to preserve ther persones and goodes and non had more reasone to be apprehensive then John Ramsay who had in ane signall and most eminent manner publictly vented his dislyk of those who were too forward in bringing in that enemie to the bowells of ther native countrie.³

By 1650 Ramsay had had two careers and two wives. He was the son of George Ramsay of Kirkton of Balmerino (NGR: NO 363 252), a minor Fife laird, and Agnes Gibson, daughter of Sir Alexander Gibson of Durie (d 1644) a Lord of Session.⁴ Employed as a writer by his cousin, Alexander Gibson younger of Durie (d 1656), clerk of session, later Lord Clerk Register, he also held the office of agent to the [royal] burghs.⁵ Having married in 1633 Janet Aikenhead, daughter of an Edinburgh merchant, he was admitted as a burges of Edinburgh in 1646 in right of his wife. Between 1642 and 1645 he acquired two adjoining properties in north-east Fife, Brackmont (NO 429 221) and Lucklaw (NO 421 209), from a kinsman, John Ramsay of Brackmont.⁶ Embarking on a new career, he was admitted as an advocate in September 1647, following which his cousin appointed him keeper of the general register of hornings on 15 June 1648. On 6 June 1648 he married his second wife, Margaret Bruce, daughter of another Fife laird, Captain James Bruce of Newburn.

As the Firth of Forth offered at least a temporary barrier against the English army, Ramsay decided to retire to his Fife estates. Before leaving he took steps to ensure that some valuable property did not fall into the hands of the invaders. He dug a hole in the floor of his coal cellar in which he buried ‘ane Danskein litill kist of yron’ (a small iron chest of a type made in or associated with Danzig, now Gdansk, Poland), and three silver vessels. That done he replaced the coals, locked the cellar and departed leaving the keys with his housekeeper.⁷

The contents of the chest and the silver did not belong to Ramsay outright but were held by him as security for debts incurred by Alexander Cunningham, a colonel in the Swedish army. A detailed inventory, drawn up in 1637 at the time of the original loan, is printed as Appendix 1 to this paper. Hereafter numbers in brackets denote individual items in the inventory.

The silver comprised a small silver cup weighing just under 16 ounces [2] and a massive silver basin and ewer of German work weighing over 8 pounds 13 ounces, ‘with the queen of Bohemia her arms in the middle of the basine’ [1]. The queen was Elizabeth, daughter of James VI and I, crowned Queen of Bohemia on 7 December 1619, three days after the coronation of her husband, Frederick, Elector Palatine.⁸ His brief reign as King of Bohemia earned him the nickname of the Winter King and unleashed on Europe the Thirty Years War.

The jewels in the iron chest contained two other items definitely identifiable with Elizabeth, the first being a gold enamelled ‘picture box’ [7], a case containing miniatures of Frederick and his wife. One cover, originally embellished with 48 diamonds, bore two Greek letters Φ for Frederick under a crown; the other had 45 diamonds and two Es for Elizabeth. The second was a lock of the queen’s hair set with two diamonds and a gold crown [11]. Remaining items included two other ‘picture boxes’ [8, 22], four gold chains, one set with 158 diamonds [4, 38, 39], bracelets set with diamonds [5], rubies [18] and amethysts and turquoises [19], a pearl necklace [6], a ‘headlace’ [20], a diamond pendant [12], two pairs of ‘ear pendants’ [13, 14], crosses set with diamonds and emeralds [16, 17], a gold enamelled balsam box [21] and a gold-plated watch [24]. Others reflected the contemporary fashion for jewels in the form of symbols or emblems.⁹ They included an enamelled gold Cupid with a heart hanging from his foot inscribed ‘Willinglie woundit’ [15] and another Cupid holding an anchor and two arrows with an inscription in French

[23].¹⁰ Two rings bore similar teasing inscriptions. One in the form of an eye and a heart crossed with three arrows had ‘Manie in the ey but one in the hairt’ [27], the other, a ‘mort heid’ (skull), ‘My cure’ [29].

There are two disparate valuations (Appendix 2) the higher totalling 31,270 merks (£20,846 13s 4d scots or £1,737 4s 5d sterling), the lower £5256 6s 8d scots (£438 0s 7d). Despite this discrepancy there seems to have been agreement that the collection was of exceptional quality.¹¹ Was it then part of Elizabeth of Bohemia’s personal treasure? Apart from the items specifically linked to her, others might have royal connotations, a jewel ‘maid in the faschioun of ane rose and crown’ [9] and a pair of ear pendants ‘each one them ane croune of gold with seavin littill diamond stones under the said croune’ [14]. Conversely two at least appear unconnected: six gold coins struck by Gustavus Adolphus of Sweden to commemorate his victory at Leipzig in 1631 [26] and a necklace of 120 oriental pearls bought in 1635 [6]. The gold enamelled picture box containing a miniature of Colonel Cunningham [22] could have been re-used, though it is certainly less opulent than the one containing the royal couple’s portraits or the other noted as being ‘without pictour’, the cover of which was set with a great diamond within two circles of smaller stones [8]. The papers related solely to the Colonel and his wife.

How did Colonel Cunningham acquire this treasure? One possibility is that it includes property looted by Frederick’s enemies in Bohemia and the Palatinate and subsequently ‘liberated’ by the Swedes. Objects from central Europe did end up in Scotland, the most unlikely being the protest of the Bohemian nobles against the burning of Jan Hus, presented to Edinburgh University Library in 1658.¹² Again, during her years in exile Elizabeth pawned or sold many of her jewels. However the inventory implies that the plate and jewels belonged not to the Colonel but to his wife, Elizabeth Livingston. The papers included a letter from Elizabeth of Bohemia to Mrs Cunningham ‘anent her mother’s pension’ [30], suggesting the mother had held a position in Elizabeth’s household. Neither Mrs Cunningham (née Livingston) nor her mother can be identified with any certainty but it is significant that the Princess Elizabeth had spent her early years at Linlithgow Palace under the charge of Lord and Lady Livingston.¹³ There is a possibility that the mother was Alison Hay, the princess’s nurse, and that Elizabeth Livingston was her foster sister (see Appendix 3).

The papers in the chest throw a little light on Colonel Cunningham’s career. Though his family originated from Ayrshire, he was among the Scots who settled in Ulster during the early years of the 17th century. He first appears as an agent or rent collector on the estates of Malcolm Hamilton, archbishop of Cashel (d 1629) in county Fermanagh.¹⁴ By 1627–8 his transactions with the archbishop [35] were being handled by William Cathcart of Bardarragh, who married his sister, Jean.¹⁵ This suggests that Cunningham had already gone to Sweden. It is not clear whether he can be identified with the Lieutenant Colonel Cunningham who came to Scotland in July 1628 to recruit 300 men for the regiments levied there for the service of the king of Sweden.¹⁶ The papers of the Swedish Lord High Chancellor, Axel Oxenstierna, contain some references to Scots colonels or lieutenant colonels by the name of Cunningham but rarely provide their full names.¹⁷ His possession of the commemorative gold coins suggests that he may have fought with Gustavus Adolphus at the battle of Leipzig on 7 September 1631. By February 1633 the Swedish government owed him 30,000 rix dollars, probably as arrears of pay, for which he received a bond from the ‘great commissar for the croune of Swaden’ [32].¹⁸ He can probably be identified as the Colonel Kunigam captured and held prisoner at Nördlingen in 1634.¹⁹ A letter from him to Oxenstierna in November 1636 refers to the debts he had incurred through his imprisonment.²⁰

In the summer of 1636 Oxenstierna sent Colonel George Fleetwood and other officers, including Cunningham, to obtain Charles I’s permission to recruit for the Swedish army.²¹ On

17 June 1636 Cunningham wrote to him from Hampton Court reporting that they had received daily assurances of success but thought that these might be intended to put them off.²² Writing from London on 2 November he was able to report that the king had at last consented. He went on to ask for an advance of the money the Chancellor had agreed to make available for the levies, in view of the great expense in following the royal court. He also asked him to consider that, while his expenses had been at least equal to his companions', his past misfortunes made him less able to bear them. He therefore asked for at least partial reimbursement or permission to draw on the levy money.²³ Though Charles had agreed in principle, six months were to pass before Cunningham received the necessary warrant to recruit in Scotland on 13 May 1637.²⁴ By then the Colonel may have been joined by his wife, who had probably come by way of Holland, where Elizabeth of Bohemia lived in exile. Certainly she had with her the letter concerning her mother's pension, signed by Elizabeth on 17 April 1637, probably to help her to seek payment from Charles I. By 20 June Cunningham was in Edinburgh, along with Colonel Robert Monro, who had returned to Britain after the death of Gustavus Adolphus. There they presented their warrants to the Scottish privy council, which authorized them to levy 400 and 800 men respectively for the service of the crown of Sweden.²⁵ Cunningham delegated the work of recruiting to his 'lieutenant colonel', Captain Alexander Stewart, to whom he paid 2,200 dollars 'conditioned for the leavie of four hundred men' on 22 August. Some of those enlisted absconded after taking their pay and on 20 September the council gave permission to Stewart to apprehend these persons, as well as sturdy beggars and idle and masterless men.²⁶ In addition to Stewart's receipt [41], papers in the chest referred to financial transactions involving Lieutenant Grahame [34], Colonel Robert Stewart and Lieutenant Colonel Alexander Stewart [37]. On 22 August 1637 Patrick Wood, probably a merchant, granted a discharge to the Colonel for previous advances and provided him with a bill of exchange drawn on merchants in Hamburg and Amsterdam [42].

Given that Cunningham had been experiencing financial problems before reaching Scotland, it is not surprising that he sought help from James Aikenhead, an Edinburgh advocate, who was John Ramsay's brother-in-law. On 22 August 1637 Elizabeth Livingston deposited with Aikenhead the silver basin, ewer and cup, together with the chest containing the jewels and papers, all carefully listed (Appendix 1). Aikenhead agreed to re-deliver them within 48 hours of being required to the Colonel, his wife or the 'heirs begotten betwixt them', failing whom the papers were to go to the Colonel's heirs or any other who should be found to have best right to them. In that event the 'silver and gold work' was to be delivered to Elizabeth's heirs, executors or assignees, evidence that they were her property, not the Colonel's.

Though the document does not explain why the goods were deposited, Aikenhead clearly held them as security for future advances to Cunningham. On 30 August he met Colonel Robert Stewart to settle accounts between the latter and Cunningham. On 9 October, Cunningham, then at Aberdeen, directed Aikenhead to hand over one of the five gold pieces to a Thomas Crombie for delivery to the Marquess of Huntly.²⁷ On 13 October he empowered Aikenhead to settle his accounts with Patrick Wood and on 19 October directed him to pay 450 rix dollars (£1215 scots) to Wood and 500 merks (£333 6s 8d scots) to William Cunningham 'one of the captains of his regiment'.²⁸ Aikenhead settled accounts with Wood on 23 April 1638, paying him £47 7s 'Englishe money' (£568 4s scots), bringing Cunningham's total indebtedness to £2116 13s 8d scots, well under the value of the goods held as security.

By then Cunningham had returned to Europe. In July 1638 he was granted a manor in dioceses of Munster and Osnabrück, formerly belonging to a colonel in the Imperial army, which had fallen the crown of Sweden *jure belli*.²⁹ Some time thereafter he became governor of Stettin in Swedish-occupied Pomerania (now Szczecin, Poland).³⁰ He probably died in 1645. On 16 May

1645 the vice-governor of Pomerania was notified of the 'fairly recent death' at Luchau of two colonels, one of them named 'Künigam'. He was commanded to arrange their re-burial at Leipzig as their sons had requested.³¹ On 2 May 1646 the Pomeranian state gave the son of the late 'Colonel Alexander Königam' an annual grant for five years for the advancement of his education and studies.³² This may have been Robert Cunningham, who was served heir to his mother and father in Scotland on 17 October 1646, Elizabeth Livingston having predeceased her husband.³³

Meanwhile, on 25 April 1645, Aikenhead had assigned Cunningham's debts to John Ramsay.³⁴ In October 1646 Ramsay obtained confirmation as Cunningham's executor creditor, giving up an inventory of the latter's estate comprising the three pieces of plate and the jewels in the iron chest.³⁵ Not only did the value placed on these exceed the stated debts, it is also clear that they were seriously undervalued. For instance the pearl necklace [6] was valued only at £700, despite each of its 120 oriental pearls having cost £12 in 1635. This did not matter so long as they remained in Ramsay's custody and on 14 September 1647 he granted a new bond to deliver them to Robert Cunningham, on payment of what was due.³⁶ If Robert died they were to be delivered to 'the persone or persones that salbe found to have best richt to the saidis jewellis, plait, paperis and utheris foresaidis.' This condition was to cause considerable trouble in the future, but worse was to follow from Robert's insistence that there should be a co-obligant. He was another advocate, Robert Byres, James Aikenhead's son-in-law and tutor, along with Ramsay, to his younger children.³⁷ We do not know whether Byres, then aged only 26, was Ramsay's own choice or whether, as Ramsay's family later alleged, he was foisted on him by Cunningham.³⁸ Whatever the case, when Ramsay left Edinburgh in 1650, Byres had knowledge of the jewels and soon took advantage of his absence to profit by it.

In October 1650 Byres crossed from Fife to Edinburgh, where he 'seduced' Ramsay's housekeeper into showing him where the chest was hidden and giving him the keys.³⁹ On his own admission he then went to Ramsay's coal cellar with two accomplices, 'Captain Ramsay in Leith' and John Burrell. They dug up the chest, but because 'they durst nott lett it be knowen what was therin and for difficultie of transportation', they had to leave it behind, removing the jewels and papers which Byres brought back to Fife. The basin, laver (ewer) and 'gilded cup' were left with his wife's sister, Marion Aikenhead, 'becaus of the bignes therof they not being for secret conveyance away to this side' (Fife). When Ramsay found out what had happened, he demanded 'something under the said Mr Robert's hand', to show that he held the jewels and papers. Accordingly Byres wrote from Dundee on 25 February 1651, admitting having taken them from the cellar and adding that if Ramsay 'should desyre any further note under his hand more ample then this he should send this againe and he should have it but the said Mr Robert thought this enough amongst honest men.'⁴⁰

Byres was to prove far from honest. Later it was alleged that, 'being in difficulties to stope the mouth of some of his urgent creditors', he had delivered some jewels to them and 'impignorat the rest to uthers for reddie money.' Not knowing how Byres had 'squandered them among his creditors', Ramsay seems to have been content to let matters rest⁴¹ and, given the state of the country in 1651, it might have been difficult to do more. A disastrous Scottish invasion of England was swiftly followed by English occupation of the rest of Scotland and Ramsay's loss of the office of keeper of the register of hornings for his loyalty to Charles II.⁴² Even when the law courts reopened, Ramsay was 'spareing to persew in so odious an action befor the English who wer a comon enemie and buire a particularr splen against [him] for not owning their government'. Moreover, 'he being formerlie a publict persone', bringing an action 'might not onlie indangered himselff and his estate bot also the jewells quhilks wer rich and of a great value'.⁴³

Robert Cunningham died and the jewels now belonged to that vague category of those 'having best right to them'. First in the field was a Captain Cathcart, possibly a cousin resident in Sweden. He appears to have come to Scotland in 1657 and enlisted the help of Alexander Lockhart. On 25 March 1658 Lockhart wrote to say that he had been unable to 'prevail with John Ramsay to gett aney valew or estimatioun maid anent the worth of the jewells', but since Cathcart 'went from this' an unidentified 'Harie' had put an arrestment on them. He himself could do nothing further unless Cathcart or one of his sons came to Scotland 'for thair is so maney difficulties and obstructiounis that I cannot in all the world know quhat to wish yow to doe, especiallie seing we cannot gett aney knowlaidge giff the goodis and jewellis that we ar seicking are worth the seicking or not in regard of the debt and deficulties that ar upon thame'. Though 'it is a peitie that nothing sould be done theranent', he did not know what to advise.⁴⁴

While Lockhart seems to have regarded him as deliberately obstructive, Ramsay did not have the jewels and seems to have been misled by Byres, as 'from tyme to tyme they war promised to be restored'.⁴⁵ Word of Byres' involvement must have spread and after the Restoration the Earl of Middleton, having got some sort of right from Cunningham's heirs, gave order to pursue him. Faced with this, Ramsay 'resolved for a tyme to ly off' and delayed bringing his own action.⁴⁶ The delay proved costly. Byres raised further money by pledging more of the jewels, while his unpaid creditors used their pledges to obtain loans for themselves. Ramsay did manage to recover the papers and some dozen jewels from Byres and expended £100, 'for searching and getting intelligence of the jewels taken be Mr Robert Byres in whose hands they wer'.⁴⁷

In June 1664 Ramsay asked a certain Patrick Nicol whether he had received any jewels from Byres or James Wilson. Nicol replied that he had received 'a brokine chayne of diamonds' from Byres and took Ramsay to his house. There he produced the chain [4], 'all brokine and knot up with a black ribben with thrie runing knots'. He had put it back in his box when, according to Ramsay, Wilson, a vintner, came into the house and hearing them talking about the chain said that 'it wes bot the halff of the chyne and schow Patrick Nicoll that he had it in his hands, for sayes he it is bucklit up with a black ribbing of thrie runing knots and I know whair the rest thairof is'. This implies that Wilson had had the whole chain and knew where the missing portion was. Ramsay forced Wilson into further disclosures by arresting a sum of money in the hands of one of his debtors. He admitted having had a number of jewels and one of the gold coins, but not the diamond chain.⁴⁸

Meanwhile dispersal had continued. In June 1664 Byres raised 900 merks (£600) as a short-term loan from Robert Porteous, who followed the disparate occupations of herald and embroiderer. For this he pledged three gold chains [38, 39] and three gold coins [26], as well as a ring valued at £86 which does not seem to have been part of the Cunningham jewels. Unable to repay on the due date, Byres allowed them to be sold.⁴⁹ Porteous enlisted the help of Robert Elliot, a wright, to whom he entrusted 'some bracelets or chaynes of gold some enamled and some not enamled', and the gold coins, a total weight of thirteen ounces and six drops. Elliot spoke to Edward Cleghorn, a goldsmith, who would only offer £36 per ounce for the gold, because of the enamelling. Having sold 10 ounces to Cleghorn, he returned the proceeds to Porteous, along with the remaining gold and the ring. Porteous next asked him to 'try the value' of four pendants but, as the only offer he got was £18, he handed them back. On his deathbed in December 1664 Porteous recommended his children to Elliot's care, giving him one of the gold coins.⁵⁰ Whether or not Elliot fulfilled this trust, the proceeds of the sale and the unsold items do not seem to have reached Porteous' widow, Isobel Allan, and his children.⁵¹ Isobel later denied having received or disposed of any of the jewels. When Elliot had had them valued, they had

turned out to be worth 200 merks short of the sum for which they had been pledged ‘and quherof she did not nor probably will gett any satisfacione’.⁵²

In February 1665 Wilson raised another loan from James Urie, writer in Edinburgh, for which he pledged the gold picture box [7], the larger of two bracelets [5], a gold balsam box [21], ‘a pice of gold quheron the Mirour of Jesus is in Greeke or Hebrew’ [26], a bracelet ‘sett with emrods and turcases’ [19], a gold crucifix set with green stones ‘wanting the undermost pendent’ [17] and a little gold watch [24]. That the sum involved, 700 merks (£466 13s 4d), was well under the real value of these items, is indicative of Wilson’s need for ready cash.⁵³ He raised a further sum from Janet Savage, widow of James Johnston, merchant burghess of Edinburgh, pledging the smaller diamond bracelet [5], a jewel ‘in form of a rose’ [10], a heart-shaped pendant [12] and a diamond ring [28].⁵⁴

Ramsay finally took out a summons on 8 May 1665.⁵⁵ As Byres had died bankrupt a month earlier, it cited only those who were known or presumed to have received jewels from him, directly or indirectly: Urie, Wilson, Isobel Allan and her children, Elliot, and James Crichton of St Leonards. Crichton who allegedly had acquired the basin, ewer and jug [1, 2], as well as the iron chest [3], from Marion Aikenhead, did not defend the action and the fate of these items is unknown. The other defenders claimed that they had received the jewels as pledges or in satisfaction of money.⁵⁶

The parties’ representatives were an impressive array of legal talent. Ramsay eventually had five advocates, including a future judge, Sir Peter Wedderburn, future Lord President Sir George Lockhart, and future Lord Advocate Sir George (‘The Bluidy’) Mackenzie; the Porteous family, Sir Robert Sinclair, Dean of the Faculty; the others Sir Thomas Wallace, future Lord Justice Clerk, and William Maxwell.⁵⁷ At the first hearing on 5 July 1665 the defenders argued that their clients had acquired the goods in satisfaction of debts, that Ramsay had taken no steps to recover them from Byres for 15 years and that the case should not proceed unless Byres was represented,⁵⁸ while Ramsay’s counsel explained his reluctance to sue during the English occupation. On 11 July the court ordered the defenders to produce the jewels that they held and depone how they came by them, and what had been disposed of. Urie admitted having jewels, which he would make forthcoming on payment of the sums due to him by Wilson’s bond. Isobel Allan and Elliot denied having any of the items pledged to Porteous. Wilson admitted the two items still in his possession but refused to depone about the rest.⁵⁹ On 27 July the court ordered him to be re-examined ‘if hee hes fraudfullie put away any of the jewels and uthers lybellit’, but this did not take place until 15 November.⁶⁰

At the next hearing on 5 December 1665 Wallace, as Wilson’s counsel, alleged that he had dealt with Byres in good faith and that two years’ possession of moveable goods was sufficient to confer title on the possessor. Wedderburn for Ramsay argued that there was a great difference between moveables such as horses or cattle and jewels, ‘which oftymes being the monuments of a familie are transmitted from one generation to another and are not ordinarlie *in commercio*’. It could not be presumed that ‘a man of Mr Robert Byres his qualitie’ could have owned such jewels as these. Lockhart added that in Civil Law a possessor of stolen goods could not acquire title and the law was clear that ‘albeit ther bee *bona fides*’ which could not be presumed of Wilson ‘who was a broker’, nevertheless ‘if the possessioun bee vitious’ (on defective title) it affected the title ‘*tamquam lepra leprosa*’ (as leprosy a leper). A purchaser ought to know whether the seller was a ‘sufficient honest man’. Mackenzie then cited relevant Scottish cases. The court agreed, finding that Ramsay had a real right to the jewels and that jewels ‘are of a far different nature from uther moveables, as horse, kyne etc. as to *usucapio*, speciallie the jewells lybellit being such and of that

value as was not presumable that Mr Robert Byres could be *dominus* therof', and gave judgement for Ramsay.⁶¹

Ramsay's victory had little practical effect. Though Wilson deposited the two jewels he still held with one of the clerks of session, Alexander Gibson, son of Ramsay's cousin, the former Clerk Register, none of the other defenders obliged. Ramsay was unable to lay hands on the diamond chain [4] or trace a ring with a diamond set within a skull [29].⁶² Furthermore, though he remained responsible under his bond for all the jewels, it was unclear to whom they now belonged and who was responsible for the original debt. By November 1667 he estimated that this extended, with interest, to £6414 14s 9d scots, to which he added £1033 legal expenses, including £600 scots for keeping his house in Edinburgh with three servants for about a year 'least it should have been plundered' and £100 for tracing the jewels.⁶³

Faced with the fact 'there is none that does represent the said deceased Colonel Cuninghame' from whom he could get payment of the sums owing and which he had disbursed 'in pursuing and obtaining a great part of the jewels and writs', he brought another action in which he cited the nearest of kin of Colonel Cunningham and his son, or those having right from them and Elizabeth Livingston. This motley group comprised assorted Cunninghams and Cathcarts, including Colonel William Cathcart 'in Madrid', some unidentified Livingstons, Lord Hugh Hamilton, the Earl of Middleton and John Neilson, merchant in Edinburgh. The remaining defenders were Byres' daughter, Mary, his only surviving child, and those identified holding jewels in the earlier action. Ramsay sought declarator that the bonds given by himself and Aikenhead had been fulfilled and that those holding the jewels should be decerned to consign them in the hands of a clerk of session. Warrant should be granted to the deacon and goldsmiths of Edinburgh and his brethren to value as many of the jewels as would extend to the sums due to him so that they could either be sold to 'any persone who will buy the same', or delivered to him in case 'no uther persone offer a greater pryce then the said goldsmiths shall put upon them'. Any surplus money and the remaining jewels should be consigned in the clerk's hands for behoof of the representatives of Colonel Alexander and Robert Cunningham or others having interest, and the obligations by Aikenhead and Ramsay decerned to be completely satisfied and fulfilled.⁶⁴ This time Ramsay fielded six advocates and, as none of the defenders chose to be represented, decree was given for him in absence.⁶⁵

Again the outcome was unsatisfactory. No more jewels were forthcoming and Ramsay was either unable or chose not to have those already consigned valued and sold to clear his debt. Moreover it would be possible for Colonel Cunningham's representatives, who remained unidentified, to appeal against a decree in absence. If, as Ramsay's counsel had argued in 1665, the jewels were 'monuments of a family', they fell into the category of heirship goods, which passed to his heirs, those entitled to his real estate. If not, they could be claimed by his executors and divided among his nearest relatives with the rest of his moveable property. There might be grounds for a claim under the terms of the original deposit, by which in the absence of offspring of the marriage the jewels were to go to his wife's representatives. Alternatively it might be argued that the jewels had been her 'paraphernalia'⁶⁶ or that her representatives were entitled to her share of the goods 'in communion' between husband and wife.⁶⁷ Nevertheless Ramsay might seem to have achieved one of his aims, which was to end his responsibility for the jewels under the bonds granted by Aikenhead and himself.

By 1671 Andrew and William, Ramsay's younger sons by his first marriage, were dead, soon followed by George, the eldest, in November 1671.⁶⁸ Ramsay did not long outlive him, being buried on 19 February 1672. He left his second wife, Margaret Bruce, and their only child, Janet. Janet inherited the family estates and in 1675 married a neighbouring landowner, Arthur

Makgill of Kemback. Her husband, then aged 22, was the son of the Reverend John Makgill, former minister of Cupar.⁶⁹ For convenience Janet, her husband and mother will be referred to as the Ramsays.

The first claimants to the jewels were Irish, two daughters of a Captain William Edmonstone. Katharine, a widow, and Helen, married to William Dunbar, alleged that their mother, Marion Cathcart, was 'sister's daughter' of Colonel Cunningham. On 5 September 1677 they appointed their cousin, Robert Cunningham, their procurator to pursue for the jewels by having them served as heirs or confirmed as executors. He chose the former course and on 16 February 1678 persuaded a Canongate jury to serve them heirs to Colonel Cunningham, their grandmother's brother, despite omitting to mention the grandmother's name.⁷⁰ He lost no time in applying to the court of session and on 22 February the court ordered their clerk to hand over the consigned jewels. The Ramsays claimed not to have been parties to this transaction, though the Edmonstones' factor gave in a bond to pay them £1000 as the expenses of searching and pursuing for the jewels.⁷¹ It does not appear that they received any money.

With this the jewels presumably found their way to the Edmonstones in Ireland, only for another group to appear from Sweden, claiming them as children of Colonel Cunningham's sisters. They applied to the commissary court of Edinburgh, which granted them decree dative as the Colonel's executors on 18 September 1678, followed by licence to pursue for his goods.⁷² On 3 October 1678 a summons was raised against the Ramsays in the names of Jean, Anna, Katherine, Margaret, Gabriel, Alexander and Robert Cathcart, Katherine's husband, Lancelot Carleton, and Jean's husband, Hans Hamilton. The Cathcarts sought exhibition of the jewels and delivery of them or payment of their value. They also sought reduction of the 1668 decree exonerating John Ramsay on the grounds that they had not been called and that those who had been called had had no interest to defend. They argued that the removal of the jewels in 1650 had been 'a meer contryvance betwixt Ramsay and Byres, they being of relatione and conjunctlie obleidged by the bands and Byres being a bankrupt and his medleing and intrometting with the jewells hes bein for no uther end bot that he might evacuat the trust by imbazleing and squandering the jewells and by his being altogether irresponsall'. Ramsay's efforts to recover the jewels were irrelevant, as there had been nothing but 'a fraudulent machination'. His consignment of the jewels was no ground for dismissing the action, seeing it had been voluntary and on an action of declarator raised by him without calling the pursuers.⁷³

The case was not heard until 1683, when the Ramsays were represented by Mackenzie and Sir John Lauder of Fountainhall, who refers to it in his collection of decisions. They argued that under the original bond the jewels should go to Cunningham's wife's representatives, not the Colonel's. The Lords of Session disagreed, finding that Elizabeth Livingston could take no bonds in prejudice of her husband and that the Cathcarts, as executors, had a good right to pursue. The Ramsays then claimed that they should be absolved in virtue of the 1668 decree. A hearing took place on 10 February 1683 before Lord Pitmedden, who reported to the full court. On 13 March the Lords agreed with his findings that the executors had good right to pursue for exhibition of the jewels, without prejudice to his wife's executors to pursue for her third and paraphernalia; that Ramsay should have called the nearest of kin; that, because they were not called, the 1668 decree did not exonerate him; and that he was liable on the trust, notwithstanding Byres being joint trustee with him. However they did find that as executor-creditor he had had the right to affect the jewels to the value of the debts owing to him, but allowed the pursuers to be heard against the valuation placed on the jewels in Cunningham's testament.⁷⁴

Faced with this the Ramsays lodged a petition alleging that John Ramsay had done all that was incumbent on him. He had been desirous to be exonerated of his trust for the jewels, 'because

of the frequent hazards they were in and being himselfe old and having only ane young daughter'. He had cited all those he thought were nearest of kin and had given up the jewels on the court's authority. The Cathcarts were 'absolutely unknowne to all this kingdome being borne in Swedden and never heard of till now'.⁷⁵ On 16 March the Lords again adhered to their former decision, though recommending that the parties should reach an agreement. Lauder's report may be biased in favour of his clients:

So that by this they find, that the voluntary consignation John Ramsay made of the jewels in their Clerk's hands was not the habile way to liberate him from being accountable for them, all such consignations being *periculo consignantis*, and the Lords not being appointed for such ends; and that he must be liable for them tho' they were given up in 1678, by an act of the Lords; seeing Edmonston who got them up was not the right person – This stumbled many as a hard interlocutor.⁷⁶

The Ramsays found this hard, too, but could only restate points made already. The Cathcarts' counsel denounced this as delaying tactics, asking the court 'upon the charitie that is dew to strangers' to refuse the petition 'and all that is represented therein being ad nauseam usque debait and repelled'. They also objected to the value placed on the jewels in Cunningham's testament. In particular the diamond chain [4] contained 80 'great' and 80 'lesser' diamonds which were only valued at about £2 each 'without respect to the gold thereof', whereas 'no artist will assert that diamonds of that quality and cutt' could be worth less than £30 each 'and this particular jewell wes ordinarily valued by those who knew it to be worth six thousand pund scots and yet in the testament is only valued to four hundreth pund'. Other jewels were similarly undervalued. The Lords agreed and on 22 March remitted to Lord Pitmedden to heard the parties on the value of the jewels and the allegation that Ramsay had called the nearest of kin.⁷⁷

On receiving Pitmedden's report, the Lords ordered the Cathcarts to prove their blood relationship to Colonel Cunningham and the Ramsays to prove that of the persons cited in the 1668 decree. At the Cathcarts' request they agreed to grant commission to the sheriff of Fermanagh or any other fit person to take evidence on this and on the value of the jewels. Not surprisingly the Ramsays objected. They had 'reasone to be jealous of this desyre of craving ane commission to Ireland wher the persewars power and influence lyes and wher the defendares are absolute strangers'. They thought it strange 'how witnesses should be examined in Ireland upon the value of the jewells which can not be pretended ever to have bein ther and are not now extant to be showne which gyves ryse to a just suspitione that persones byassed or interested may be adduced as witnesses'. They further argued that Cunningham's executors could not claim the jewels because they were heirship and so belonged to his retoured heirs. Having thus asserted that the jewels belonged to the heirs until the executors overturned their right, they went on to hint at collusion between the two to have both jewels and compensation. There were 'violent presumptiones' that the Cathcarts were not the nearest relatives 'but have only entred in ane unjust combinatione with these who did formerly applye and gett up these papers and jewells to bind the value and pryce of them upon the petitioners'.⁷⁸

In the event the Lords refused to allow the value to be proved in Ireland but granted commission to Viscount Granard to examine witnesses in Fermanagh to prove the relationship of the Cathcarts and the Edmonstons to Colonel Cunningham. On 12 October 1683 the Viscount examined two men aged 65 and 70 who deponed that the Colonel had had two sisters, married to William Cathcart of Bardarragh and Adam Cathcart respectively, both of whom had left children.⁷⁹ These children and the daughters of a deceased son were the persons claiming the

jewels as the Colonel's executors. The depositions do not mention the Edmonstons, his alleged heirs.

The Lords considered the report on 1 November 1683 but their decision was deferred until 3 March 1684. They then found the pursuers' relationship proved in accordance with the depositions, but on 15 March they went on, in effect, to reverse their previous decision. John Ramsay had cited the nearest of kin, 'albeit all the nearest of kine were not called being obscure persones and in other kingdomes'.⁸⁰ This may have been belated recognition that Ramsay had indeed called Gabriel Cathcart as 'son and heir to Adam Cathcart in Ireland' along with an unnamed brother and sister.⁸¹ Moreover they now found that Ramsay's consignment of the jewels in his possession had indeed been sufficient to exonerate him from responsibility for them. As for the remaining jewels, they allowed the Ramsays to prove their defence that they had been lost *casu fortuito* and that John Ramsay had taken sufficient action to recover the remaining jewels.⁸² Emboldened by this the Ramsays claimed that the Cathcarts ought to be made to find security to pay the sums owing by Colonel Cunningham.⁸³ Though this was refused, the Cathcarts were now reduced to trying to salvage something from the wreck. They asked the Lords to recall the part of their interlocutor relating to the unconsigned jewels, as they had already found John Ramsay liable for them, notwithstanding their embezzlement by Byres. The Ramsays countered by reiterating their version of the events. Whatever right Byres had had to the jewels 'he wes not of John Ramsayes choyseing bot elected by Robert Cuninghame the Collonells sone for which of his no lawe can make John Ramsay lyable'. Everything possible had been done to recover the jewels and 'it being threttie three years since the imbazement', his representatives ought to be declared free of it. This argument was accepted and on 11 December 1684 judgment was given for the Ramsays.⁸⁴

All that the Ramsays gained by the judgment was the final removal of liability for property that had been out of their possession for at least 15 years. Colonel Cunningham's debt remained unpaid, likewise John Ramsay's expenditure on recovering the jewels. Presumably the Cathcarts returned to Sweden empty-handed, whilst safely away in Ireland the Edmonstons enjoyed what was left of the 'monuments of a family' or perhaps the money they had raised by selling them. If so they were the only parties to emerge without financial loss.

Janet Ramsay died less than three years later, on 8 April 1687. She was survived by her husband, Arthur Makgill, who was distantly related to Sir James Makgill of Cranston Riddell (d 1663), created a baronet in 1627 and raised to the peerage as Viscount of Oxfuird in 1651. Over the following centuries the senior Makgill lines died out, leaving the way for Janet and Arthur's remote descendants to lodge successful claims for the baronetcy in 1907 and then in 1977 the viscounty.⁸⁵

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NOTES

- 1 *Stair's Institutions*, 1029–30 (4.46.7).
- 2 Interlocutor John Ramsay v Urie and others, 12 December 1665 (not recorded, extract GD82/182); decree John Ramsay v Cunningham and others, 17 January 1668 (CS22/20); decree absolvitor Janet Ramsay v Cathcart and others, 11 December 1684 (CS26/72). The papers in these cases are in CS15/414, 17 January 1668, CS29, 11 December 1684 no 4, and GD82/368.
- 3 CS26/72 [41]. CS22 and 26 are unfoliated, but for ease of reference each decree cited has been given notional pagination.
- 4 Grant 1944, 176. For George Ramsay see Campbell 1899, 661–2.
- 5 GD82/143, 146, 149. For the Gibsons see *DNB*.
- 6 GD82/146, 176, 328, 331; *RMS*, ix, 2089, 2194, xi, 1176.
- 7 CS22/20 [11].
- 8 Marshall 1998, 49.
- 9 Scarisbrick 1995, 66–8.
- 10 The wording appears garbled.
- 11 GD82/182.
- 12 Guild and Low 1983, 51.
- 13 Marshall 1998, 19–21.
- 14 For the archbishop see Hamilton 1933, 1013–4, and Appendix 2 no 35.
- 15 CS29 11 December 1684, depositions 12 October 1683.
- 16 *RPC* 2, 397.
- 17 Information from Dr Claes Tellvid, Riksarkivet, Stockholm, who informed me that the indexes to *AOSB* tend to identify Cunninghams as George or Robert, for reasons which are not now apparent. There are no references to an Alexander.
- 18 See Appendix 2, no 32.
- 19 *AOSB* (series 2) 6, 166.
- 20 Riksarkivet, Oxenstierna samlingen, E 583, 2 November 1636. *Les grands frais que ma prison m'a n'a guere cousté, lesquels m'ont rendu endebté envers plusieurs.*
- 21 Oxenstierna wrote to the Marquis of Hamilton in April 1636 about levying forces in Scotland (NAS GD406/1/9626–7). For George Fleetwood, see *DNB*.
- 22 Riksarkivet, Oxenstiernska samlingen, 17 June 1636.
- 23 *Ibid*, 2 November 1636.
- 24 *RPC* 6, 458.
- 25 *RPC* 6, 458–9.
- 26 *RPC* 6, 527.
- 27 CS22/20 [9–10].
- 28 CS22/20 [2–4].
- 29 Riksarkivet, Rikregistraturet, vol 196, fo 197.
- 30 CS26/72 [36]. His appointment has not been traced in the Swedish archives. A letter to the mayor and council of Liba, dated at Zittaú 3/13 December 1642 and signed 'Al. Cuningham', bears a modern annotation identifying him as 'Oberstlieutenant u. Commendant' (Riksarkivet, Ericbergarkivet, autografsamlingen, vol 48).
- 31 Riksarkivet, Rikregistraturet, vol 227, fo 788.
- 32 *Ibid*, vol 233 fo 761.
- 33 *Retours* 2, Inquisitiones Generales nos 3191–2; CS29 11 December 1684, depositions 12 October 1683.
- 34 CS22/20 [4]. Aikenhead died in 1648 (Grant 1944, 10).
- 35 CC8/8/62, fo 292, 8 October 1646.
- 36 This was registered on 28 January 1648 but not actually engrossed in the volume. There is an extract in CS29, 11 December 1684.
- 37 Grant 1944, 26. CC8/8/63, fo 322v, 7 March 1648.

- 38 CS26/72 [41].
- 39 CS22/20 [11].
- 40 CS22/20 [26–27].
- 41 GD82/368/2, Information for Margaret Bruce and others [1683].
- 42 GD82/368/2.
- 43 GD82/182.
- 44 CS29 11 December 1684, letter Alexander Lockhart to Captain Cathcart of Mone, 25 March 1658.
- 45 CS15/414, minutes of process 5–11 July 1665.
- 46 GD82/182.
- 47 CS22/20 [20].
- 48 CS 15/414, interrogatories for James Wilson, 15 November 1665. This says these events took place in in ‘Junii last’, but 1664 seems more likely than 1665.
- 49 CS15/414, minutes of process, 5–11 July 1665; condescence for Isobel Allan, 26 July 1665.
- 50 CS15/414, deposition of Robert Elliot, 31 July 1665 (on margin of extract interlocutor, 11 July 1665).
- 51 Grant 1945, 27.
- 52 CS15/414, condescence for Isobel Allan, 26 July 1665.
- 53 CS15/414, deposition of Robert Urie, 27 July 1665; bond by Wilson, 18 February 1665.
- 54 CS15/414, interrogatories for James Wilson, 15 November 1665.
- 55 The summons, depositions and other papers relating to the case are put up with the process for Ramsay’s later lawsuit, CS15/414, 17 January 1668.
- 56 GD82/182. For the fate of individual items see Appendix 2.
- 57 Grant 1944, 125, 135, 192, 213, 217.
- 58 CS15/414, minutes 5–11 July 1665.
- 59 CS15/414. The depositions of Isobel Allan and Urie, 26–27 July 1665 are separate documents; those of Wilson and Elliot, 26–31 July are entered in the margin of the interlocutor.
- 60 CS15/414, petition for Ramsay, 27 July 1665; interrogatories for Wilson, 15 November 1665.
- 61 CS15/414, minutes 5 December 1665; GD82/182, extract interlocutor, 12 December 1665.
- 62 CS22/20 [16,18].
- 63 CS22/20 [20]; account in CS15/414.
- 64 CS22/20 [18–20].
- 65 CS22/20 [34–6].
- 66 Paraphernalia, a wife’s clothing and personal jewellery (eg necklaces, earrings, bracelets and rings) remained her personal property, notwithstanding marriage, and on her death descended to her executors in preference to her husband or his representatives. *Bell’s Dictionary* 1890, 761.
- 67 CS26/72 [23].
- 68 GD82/342, C22/31, fo 97; *Retours* 1, Fife no 1116.
- 69 GD82/220; *Burke’s Peerage* 1999, 2181.
- 70 RD3/43, 579; *Retours* 2, Inquisitiones generales no 6063; C22/33 fo 333v.
- 71 CS16/1/20 sd; CS26/72 [27].
- 72 CS26/72 [14], not recorded in Edinburgh commissary court act book (CC8/2/81).
- 73 CS26/72 [11–13]; GD82/368/1.
- 74 *Fountainhall Decisions*, 224; CS26/72 [22]; GD82/368/2, Information for Margaret Bruce and others.
- 75 CS26/72 [23].
- 76 *Fountainhall Decisions*, 224–5.
- 77 CS26/72 [27].
- 78 CS26/72 [30–3].
- 79 *Fountainhall decisions*, 230; CS29 11 December 1684, depositions 12 October 1683.
- 80 *Fountainhall decisions*, 279; CS26/72 [38–9].
- 81 CS22/20 [1].
- 82 *Fountainhall Decisions*, 279; CS26/72 [39].
- 83 *Fountainhall Decisions*, 285; GD82/368/4.

84 CS26/72 [42–3]; *Fountainhall Decisions*, 319.

85 *Burke's Peerage* 1999, 2181.

APPENDIX 1: List of plate, jewels and papers deposited with James Aikenhead, advocate, 22 August 1637. National Archives of Scotland, RD1/508 sd 23 August 1637

The list itself is printed in full, but for ease of reference the items have been numbered, with each printed as a separate paragraph. Other clauses have been summarized.

Mr James Aikinhead, advocate, acknowledges having received into his keeping the following items delivered to him by Elizabeth Levingstoun, lady to Colonel Alexander Cuninghame:

- [1] Ane silver bassine and ewer germane wark with the queen of Bohemia her armes in the midle of the bassine all veyand aucht pound threttein unce sex drop weight.
- [2] And ane littill silver cup weyand saxtein unce less on drope.
- [3] And also ane Danskein littill kist of yron quherin ar inclosit the jewalls and gold work efterspecificieit viz.
- [4] Item ane chyne of diamondis sett in gold inambled with quhyt and blak quherin is conteinit and sett fourscoir tablit diamondis and threescoir eighteen lesser tablit diamondis in ane black ledder caise.
- [5] Item ane pair bracelettis of diamondis sett in gold with blak and quhyt inambling quheroff the one braislait conteines twentie eight tablit diamondis set be twa in ane peece togidder and the uther bracelit conteining twentie four in the same form in ane blak lether caise.
- [6] Item ane carcat or neckless conteining sex scoir peece orientall pearle quhich wer at the buying twelff pund scottis a peece in 1635.
- [7] Item ane pictour box of gold quherin is contenit in the one syd the king of Bohemia his portrat the cover quherof is sett with diamondis efter this forme $\Phi\Phi$ conteining twa eyes [Is] decepered with twa **O O** resembling twa greek letters Φ for Frederik the king his name with ane croune upone the heid of the same upon the quhilk cover are conteinit fourtie seavin diamondis tablit of severall quantities and ane blank for one diamond that hes bein lost and with the queenes pictour on the uther syd upon the cover quherof is sett ane croune with twa E efter this forme \mathfrak{E} conteining fourtie fyve tablit diamondis great and small quhilk caise is inambled with blak and quhyt and some of the inambling broken on the syd of the queenes portrat.
- [8] Ane round pictour box without pictour contening ane greit diamond in the middell nyn smaller stones next sett round about and auchteine littill stones in the thrid circle set round inambled with blak quhyt and uther cullors in ane red velvet box.
- [9] Item ane jewell maid in fashcion of ane rose and croun with three pendants of gold quherin is sett in the croun three triangled diamondis under them fyve tablit diamondis the top of the croun four small diamondis and the rose under the croun conteining eight triangle diamondis with ane littill one in the middell and ilk pendent haveing ane triangle diamond inambled all in the bak with quhyt [in]amell in ane crimsone velvet caise.
- [10] Item ane uther littill jewell in forme of ane rose contening ane tablit diamond in the middell and seavin tablit diamondis round about the same with ane littill diamond on the top and ane littill pearle hinging at itt flat on the bak syd.
- [11] Item ane locke of the queen of Bohemia her hair of three plet with ane ey on the top theroff quherin are sett on everie syde ane diamond fassit cut with ane croune of gold upon the same inambled with blak and quhyt.
- [12] Item ane littill pendent in form of ane heart with ane tablit diamond stone in the middell with nyn lesser tablets round inamblit with blak on the bak.
- [13] Item twa ear pendants quherin ar sett in ilk one fyftein littill tablit diamondis with ane peare pearle at the ende of each pearle quhilk pendent is maid in forme of ane paire of bose opin cutt work.
- [14] Item twa uther ear pendants each one of them ane croune of gold with seavin littill diamond stones under the said croune ane tablit diamond sett upon ane blak hairt of gold at the bak of the said hairt

ane quaver with twa arrowes into it quihlk quaver hes twa tablit diamondis and fyve littill pendants ilk ane haveing ane littill diamond.

- [15] Item ane Cupid of gold inambled with ane hart hanging at his foote quherupoun is set ane tablit diamond crost with ane arrow quihlk hes ane spark of diamond at ilk end under the heart a litle pendent rubbie the heart written on the bak syd these wordis *Willinglie Woundit*.
- [16] Item a cross of diamondis sett with seavin littill diamondis with ane peare pearle at the end theroff inambled in the bak with blak inambling.
- [17] Item ane uther cross set with emaraulds conteining fourtein tablit stones with ane round pearle hinging at the end of the crose quihlk cross wantis one emerauld stone and is inambled with blak and quhyt on the bak syd.
- [18] Item ane bracelet conteining aucht peeces of inambled gold with quhyt color eache peece haveing upoun the top theroff twa rubie stones four of the saidis peecess haveing the rubie stones four squared and the uther foure haveing the stones in forme of hartis and one of the said aucht peeces the gold theroff is broken in the one syd and betwix everie twa stanes ther is sex littill round pearles.
- [19] Item ane bracelet contening sex great ovil emautist stones fausse cut on both sydes sett in gold inamble blak and quhyt with sex turkie stones.
- [20] Item ane border or heid leas of the lenth of ane quarter of ane elne conteining threttein roses in the midle of ilk rose ane pearle of the greatnes of ane Flanderis pee with sex littill diamondis set in gold about everie pearle quihlk ros is formed efter this fashioun .
- [21] Item ane balsame box of gold inamblit with severall cullors contening fyve severall boxes quihlk quhole box is of two inches long with ane grape upon the end theroff.
- [22] Item ane pictur box of gold inamblit with grein quherin is contened her husbandis portract.
- [23] Item ane Cupid of gold holding ane anker in his one hand and two arrowes in the uther and under his foote on the bak syd is graven these wordis *Vanitie travaire ou mourir* in french.
- [24] Item ane waich plaitit with gold round fashioned and inambled with all cullors and on the bak theroff ane rose.
- [25] Item ane mort heid of the quantitie of ane littill button with twa deid bones with ane loke of quhyt hair.
- [26] Item fyve peece of gold each on of the weight of ane Portugall dukit coyned be the king of Swaden at the battell of Leipsicht 7 September 1631 yeires.
- [27] With ane ring with ane triangled diamond sett in heart with ane tablit diamond abone it sett in ane ey with three littill sparkis of diamondis in the endis of the heid of three arrowes with ane arrow crossing the hart at each end theroff ane spark of diamond with this reasoun ingraven *Manie in the ey but one in the hairt*.
- [28] Item ane ring fyve littill tablit diamondis in forme of ane cross inamblit on the bak with greine and blew.
- [29] Item ane ring sett with ane littill diamond stone fassit cut inambled within with ane mort heid with this word *My cure*.
- [30] Item reseavit of papers ane letter be the queen of Bohemia directit to the ladie anent her mothers pensioun daitit 17 April 1637 yeires.
- [31] Item ane letter be Harie Foulis to the Collonell anent the securitie put in for Francis Talbutt daitit 12 August 1637.
- [32] Band grantit be the great commissar for the croune of Swaden named Jhon Witgainstaine daitit 9 Februar 1633 yeires and sundrie uthers in Dutch of threttie thowsand rex dollars adebtit to the collonell of ariages.
- [33] Item ane letter of Thomas Levingstounes tailyeour anent the exchange of some money daitit 18 Julii last.
- [34] Item ane letter be the laird of Morffie as surtie for lievtenent Grahame daitit 29 Julii 1637.
- [35] Item ane note written and subscrivit be William Cathcart of Bardaroch anent the resseat of three hundreth pund sterling be band lacking two pund sterling granted to the said collonell be Malcolme archbishop of Cassils in Ireland and Ard[chibald] Hamiltoun his sonne daitit 6 October 1627 and of ane latter will made be the said collonell and of ane acquittance be the said Ardchibald to the said

collonell for the resseatt of the lord bishop his rents in the countrie of Farmannoch of the dait forsaid the letter subscrivit 11 October 1628 yeirs.

- [36] Item ane uther letter be the said William to the said collonell makand mentioun that quhatevir he hes of the collonells he sall delyver the same upoun his adverteisment daitit 7 October 1631.
- [37] Item ane band be Collonell Robert Stewart of ane thowsand pund sterling conditionallie that if he sall mak the said Collonell Cuninghame answered of three thowsand dollars in Scotland he sall be free of the band daitit 25 Maii 1637 with ane letter be the said Collonell Stewart to Collonell Cuninghame quherby he grantis to have delivered unto leivetenent collonell Stewart ane hundreth pund sterling and obleisis him if he doe not allow the same in comptis with the collonell he sall refound the same daitit 4 Julii 1637 yeirs quhilk band and letter is delyverit to the said Mr James to be givin to the said Collonell Stewart upon his tucket of ressait at ther meeting efter compt and reckoning of the payment of the said three thowsand rex dollars.
- [38] Item ane small gold cheyn weyand one unce twelff drope weight.
- [39] Item twa uther gold chaynes with blak inambling weyand both of them togidder sex unces three drop weight.
- [40] Item ane dischairge grantit be Patrik Wood to the said collonell of all sowmes of money preceeding the twentie twa day of this instant.
- [41] Item ane dischairge be leivetenent collonell Alexander Stewart of the resseatt of twa thowsand twa hundreth dollars conditioned for the leavie of four hundred men of the dait forsaid.
- [42] Item ane tickett be Patrik Wood to the said collonell quhairby he obleisis him to refound and pay the sowme of fyve hundreth rex dollars quhensoevir the collonell sall returne bak to him the letter of exchange presentlie grantit be Patrik to be answered be Mr Avarie at Hambrugh or be Mr Houstoun in Amsterdame or be produceing ane testificate under ther handis testifeing they have maid no payment to the said collonell of the forsaid deat.

All which Aikinheid obliges himself, his heirs etc. to redeliver to the Colonel and Elizabeth Levingstoun, his spouse, or the heirs begotten betwixt them, which failing the Colonel's heirs or any other who shall be found to have best right to the papers, and the silver and gold work shall be delivered to the heirs, executors and assignees of the said Elizabeth, as they are described in the inventory, within forty-eight hours of being required.

Edinburgh, 22 August 1637. Witnesses: Captain William Cuninghame, John Burrell, son to deceased John Burrell, merchant burgess of Edinburgh, and Thomas Swan, servitor to said Mr James Aikinheid.

APPENDIX 2: Notes on the list of plate, jewels and papers

In these notes a brief description of the item is followed by two valuations: 1646 that given in Colonel Cunningham's testament (CC8/8/62 f 292) and 1678 that claimed by the pursuers in the summons against John Ramsay's representatives (CS26/72 sd 11 December 1684). Both are in Scots money (£12 scots = £1 sterling), all but one of the 1678 values being stated in merks (100 merks = £66 13s 4d scots). All the items listed except the iron chest [3] were taken from John Ramsay's cellar by Robert Byres in 1650 and passed on to others between then and his death in 1665. The name in italics after each entry is that of the person identified as or alleged to be the holder in 1665, as discussed in the main text. For illustrations of jewellery of the period see Hackenbroch 1979 and Scarisbrick 1995.

Crichton: Left by Robert Byres with Janet Aikinhead and acquired by James Crichton of St Leonards.

Porteous: Pledged by Byres to Robert Porteous, embroiderer and herald. Some sold for Porteous by Robert Elliot, others returned to him and untraced as his widow denied knowledge of them.

Ramsay: Recovered by John Ramsay and consigned by him in the hands of Alexander Gibson, clerk of session, 1668.

Savage: Pledged by Byres to James Wilson, vintner in Edinburgh, and by him to Isobel Savage, widow.

Urie: Pledged by Byres to Wilson and by him to Robert Urie, writer in Edinburgh.

Wilson: Pledged by Byres to Wilson and consigned by him in 1665.

- [1] Silver basin, with Elizabeth of Bohemia's arms, and ewer. 1646, £400; 1678 3000 merks. *Crichton*.
- [2] Little silver cup. 1646 £140; 1678 value omitted. *Crichton*.
- [3] Small iron chest of type associated with Danzig (Gdansk). Not taken by Byres, but said 1665 to be in hands of Crichton.
- [4] Chain containing 80 table cut diamonds and 78 smaller diamonds, set in enamelled gold in black leather case. 1646 £40; 1678 6000 merks. Apparently broken up by 1664 when part was seen by Ramsay in house of Patrick Nicol, Edinburgh; *Wilson* denied having other part.
- [5] Two diamond bracelets set in gold with white and black enamel in black leather case. 1646 £200; 1678 3000 merks. *Urie*, bracelet containing 28 diamonds; *Savage*, bracelet containing 26 (*sic*) diamonds.
- [6] Necklace containing 120 oriental pearls costing £12 scots each in 1635. £700 (2000 merks, £1333 6s 8d). *Ramsay*.
- [7] Gold enamelled miniature case containing minatures of Frederick and Elizabeth of Bohemia. One cover set with table cut diamonds in form of double initial symbol Φ for Frederick under a crown; the other with double initial E for Elizabeth. 1646 value omitted, or perhaps included with 8; 1678 4000 merks. *Urie*. A similar jewel with symbol $\Phi\Phi$ under a crown appears on a portrait of Sarah Harrington, Lady Edmondes (1565–1629), painted by Cornelius Johnson (d 1661), see Weiss Gallery 2000, no 15.
- [8] Round enamelled miniature case (empty) with one large diamond inside circles of 9 and 18 smaller diamonds, in red velvet box. 1646 £800, perhaps valued with 7; 1678 2000 merks. *Ramsay*.
- [9] Jewel in form of a rose and crown with three gold pendants, set with diamonds and enamelled on the back, in crimson velvet case. 1646 £600; 1678 1000 merks. *Ramsay*.
- [10] Little jewel in form of a rose set with diamonds and a little pearl on the back. 1646 £200; 1678 2000 merks. *Savage*.
- [11] Locket containing three plaits of Elizabeth of Bohemia's hair with an eyelet on the top, a facet cut diamond on each side and gold crown, enamelled black and white. 1647 £100; 1678 value omitted. Described in Wilson's first deposition, 26 July 1665, as a pendant 'quhairin thair is tua diamondis and a croune of gold one the one syd and ane teat of hair one the other end'. *Wilson, consigned*.
- [12] Little heart-shaped pendant set with diamonds, enamelled on back. 1646 £100; 1678 value omitted. *Savage*.
- [13] Two ear pendants each set with 15 little diamonds with a pear pearl at the end, in form of an open-work boss. 1646 £100; 1678 800 merks. *Ramsay*. This and next may be the 'four pendants with sparks of diamonds' which Robert Elliot tried to sell for Porteous.
- [14] Two pendants, in form of a crown set with diamonds, under which is a diamond set on a gold heart, on back a quiver containing two arrows with two table diamonds and five little pendants. 1646 £100; 1678 2000 merks. *Ramsay*.
- [15] Gold enamelled Cupid with a heart hanging from his foot on which is set with a diamond crossed with an arrow, under the heart a pendant ruby and on its back the motto *Willingly wounded*. 1646 £20; 1678 100 merks. *Ramsay*.
- [16] Cross, enamelled on the back, set with seven little diamonds and pear pearl at the end. 1646 £100; 1678 200 merks. *Ramsay*.
- [17] A cross, enamelled on the back, set with fourteen emeralds and a round pearl hanging at the end, lacking one emerald. 1646 £40; 1678 2000 merks. *Urie*.
- [18] Bracelet containing eight pieces of enamelled gold set with rubies, four being squared stones and the other four heart-shaped, with six little round pearls between each stone. 1646 £20; 1678 18–20 2000 merks. *Ramsay*.
- [19] Bracelet containing six big oval amethysts set in enamelled gold with six turquoises. 1646 £16; 1678 valued with 18. *Urie*. In his deposition it is said to be 'sett with emrods and turcases'.

- [20] Fillet or hair ribbon, 10 inches long, containing thirteen roses each having a pearl at its centre surrounded by six diamonds. 1646 £20; 1678 valued with 18. *Ramsay*.
- [21] Enamelled gold ointment box, two inches long, containing five individual boxes with a grip on the end. 1646 £20; 1678 400 merks. *Urie*, described as ‘ane gold peneth of five vyces’. Penneth is a form of pennar, a container for pens or other small objects (*DOST*).
- [22] Enamelled gold miniature case containing portrait of Col Cunningham. 1646 £20; 1678 200 merks. *Ramsay*. ‘The Lady’ is Elizabeth Livingston.
- [23] Gold Cupid holding an anchor in one hand, two arrows in the other, with a French motto [apparently miscopied] under his foot, *Vanity, to ? or to die*. 1646 £20; 1678 100 merks. *Ramsay*.
- [24] Gold-plated enamelled round watch with a rose on the back. 1646 £60; 1678 400 merks. *Wilson*.
- [25] Jewel in form of skull and crossbones, with a lock of white hair. 1646 £10; 1678 £20. *Wilson*.
- [26] Five gold coins. A ten ducat coin was struck at Mainz by Gustavus Adolphus of Sweden to commemorate his victory over the Imperial and League army at Breitenfeld near Leipzig on 7 September 1631. Obverse, name of Jehovah in Hebrew letters within a radiance, and words *A Domino factum est istud*; reverse, Latin inscription about the victory. (Lagerqvist 1996, no 113). The valuations (1646 £266 13s 4d; 1678 1000 merks) appear to be for all five, though one had been delivered by Aikinheid on Col. Cunningham’s orders to Thomas Crombie of Kenmae on 6 December 1637, to be given to the Marquess of Huntly. Of remaining four, Elliot tried to sell three but returned them to Porteous, who gave him one on his deathbed. The fourth, held by Urie, was described in his deposition as ‘ane pice of gold quheron the Mirour of Jesus is in Greeke or Hebrew’, possibly confusing it with the silver thaler of 1632, which shows a standing figure of Christ surmounted by ‘Jehovah’ in Hebrew letters (Lagerqvist, no 112).
- [27] Ring with triangled diamond set in a heart, with a table diamond set above it in an eye with three arrows, and an arrow crossing the heart, with engraved motto *Many in the eye but one in the heart*. 1646 £40; 1678 400 merks. *Ramsay*.
- [28] Ring set with five tablet diamonds in form of a cross. 1646 100 merks; 1678 400 merks. *Savage*.
- [29] Ring with diamond set in a skull, motto *My cure*. 1646 £22; 1678 300 merks. *Savage*.
- [30] Letter from Elizabeth of Bohemia, 17 April 1637, see Appendix 3. *Ramsay*.
- [31] Letter from Harry Foulis, 12 August 1637. *Ramsay*.
- [32] Bond by the great commissary of the crown of Sweden, 9 February 1633. He was probably Count Johan von Seyn-Witgenstein who was appointed to settle claims by officers serving in the Swedish army. Letter from Riksarkivet, Sweden, 6 November 2000, quoting *AOSB* series 1. 9, 300. *Ramsay*.
- [33] Letter from Thomas Livingston, tailor, 18 July 1637. *Ramsay*.
- [34] Letter from Graham of Morphie, 29 July 1637. *Ramsay*.
- [35] Papers relating to archbishop of Cashell’s rents in co. Fermanagh, Ireland. 1627–8. Malcolm Hamilton, archbishop of Cashel, 1623–9, had acquired 1000 acres in Co Fermanagh in 1614 (Perceval-Maxwell 1973, 346). This property was inherited by his eldest son, Archibald, who became a Catholic and died in 1659 (Hamilton 1933, 1013). *Ramsay*.
- [36] Letter from William Cathcart of Bardarroch, 7 October 1631. Cathcart, Colonel Cunningham’s brother-in-law, appears to have handled his interests in Ireland after his departure for Sweden. *Ramsay*.
- [37] Bond and letter by Colonel Robert Stewart, 25 May–4 July 1637. The letter of 4 July 1637 was ‘wrytin from St Tabins’ [St Alban’s, Hertfordshire]. Colonel Stewart received the bond and letter from James Aikenhead at Edinburgh on 30 August 1637, giving him a receipt and a ‘missive letter’ to John Gilmour, advocate, later Sir John Gilmour of Craigmillar, lord president of the court of session (CS22/20, [9–10]).
- [38] Small gold chain. 1646 £56; 1678 150 merks. *Porteous, probably sold by Elliot*.
- [39] Two other gold chains. 1646 £200; 1678 600 merks. *Porteous, probably sold*.
- [40] Discharge by Patrick Wood, merchant in Edinburgh, to Colonel Cunningham for all sums outstanding, 22 August 1637. On 19 October 1637 Cunningham directed Aikinhead to pay Wood 450 rix dollars,

valued at 54s each. This sum (£1215 scots) formed part of the debt assigned by Aikinhead to John Ramsay (CS22/20 [2]). *Ramsay*.

- [41] Discharge by Lt Col Alexander Stewart to Colonel Cunningham for 2200 dollars, 22 August 1637. Stewart was Cunningham's recruiter. *Ramsay*.
- [42] Obligation by Patrick Wood to pay Cunningham 500 rix dollars when Cunningham returns his bill of exchange drawn on Mr Avery at Hamburg or Mr Houston at Amsterdam or produces their certificate that they have made no payments on it, 22 August 1637. *Ramsay*. On 19 October 1637 Cunningham authorized Aikinhead to account with Wood for any additional sum. On 23 April 1638 Aikinhead paid Wood the £47 10s sterling found to be due, receiving his receipt, which also formed part of the debt assigned to Ramsay (CS22/20 [3–4]). Avery apparently acted as a channel for remitting money from Sweden. On 2 November 1636 Cunningham wrote from London asking Chancellor Oxenstierna that part of the money he had promised to deliver to 'Monsr Avery' should be consigned to him 'pour la faire tenir icy par eschange selon l'ordre qu'il en a' (Riksarkivet, Oxenstiernska samlingen).

APPENDIX 3: Elizabeth Livingston's mother

Nothing is known of Elizabeth Livingston's mother except that her married name must have been Livingston and her maiden name almost certainly different. The one clue to her identity is Appendix 1 item 30: 'Ane letter be the queen of Bohemia directit to the ladie anent her mothers pensiou daitit 17 April 1637 yeirs', the 'ladie' being Elizabeth Livingston. This suggests that Elizabeth's mother had held some position in connection with Elizabeth of Bohemia, probably in her household, for which she had received a pension. The date of the letter coincides with Elizabeth Livingston's return to Britain with her husband and suggests that it was to be used in support of a claim for payment due by the crown. It is tempting to link this lost letter with a surviving letter from Elizabeth of Bohemia to Archbishop Laud, undated but attributed to 1637.¹

The Bearer, wife to the Bishop of Castell in Ireland, was daughter to my nurse, and her younger sister was my foster sister, who, having been long married and mother of many children, has made a far journey to see me in these countries. I recommend her to your favour. The particulars I leave to herself. I earnestly desire you to countenance her suit to the King.

There is, however, a similar letter from Elizabeth to the Marquis of Hamilton, which names the bearer as Mrs Hamilton but adds that the matter concerns 'the good of her husband and children'.² Though this rules out any connection between the letters given to the bishop's wife and Elizabeth Livingston, there is a possible connection between these two ladies.

The 'Bishop of Castell' was Archibald Hamilton, Archbishop of Cashel, who had succeeded Malcolm Hamilton (no relation) in 1629. His wife's name is unknown but it has been generally assumed that she was a daughter of Elizabeth or Bessie MacDowall or McDougall,³ who was the infant princess's wet-nurse in February 1597.⁴ Elizabeth MacDowall, who was married to James Haig of Bemersyde, had ten children, eight of who were sons. The family history says nothing of her daughters or their husbands.⁵ If Archbishop Hamilton was married to her daughter, this would have to have been his second marriage. In 1612 he was married to a lady who is only known from her initials A L, which appeared with his on a stone over the entrance of the new manse that he built while minister of Paisley.⁶ Doubt has been cast on the second marriage, though the suggested alternative, a daughter of Balfour of Burleigh, seems improbable.⁷ Michael Balfour of Burleigh, created Lord Balfour of Burleigh in 1607, had only one daughter, Margaret, married in 1606 to Robert Arnot, whom her father adopted as heir to his estate.⁸ His wife, Margaret Lundie (d 1625), had no known connection with the princess's household.

Elizabeth MacDowall's connection with the royal household appears to have been brief, but the princess had another nurse of longer standing. This was Alison Hay, 'mistress nurse' to the princess, her

sister, Marion, being ‘keeper of the coffers’. Alison Hay, who is said to have been with the princess since birth, went with her to England in 1603 and was a member of her household at Combe Abbey, Warwickshire.⁹ Though nothing is known of her antecedents, her surname suggests some relationship to Helen Hay, Lady Livingston, whose husband, Alexander Livingston (Earl of Linlithgow 1600), had custody of the princess between 1596 and 1603.¹⁰ The only evidence helping to identify her husband is a warrant dated 14 May 1604 for payment of £200 sterling to Alison Hay ‘Lady of Dunkervant’.¹¹ Her title suggests that she was the wife of a Scottish laird, but his territorial designation seems to have been misread by an English clerk. There was an Alison Hay, married to Alexander Livingston of Terrintirren (now Glentirren, Stirlingshire), whose daughter Margaret was baptised in March 1596.¹² Though there is nothing to confirm that this was Alison Hay, the nurse, her employment in the Livingston household suggests the possibility of marriage into the wider Livingston family. If so, Archbishop Hamilton’s first (and only) wife could have been A[lison?] L[ivingston].

There is another possible link between Elizabeth Livingston and Archbishop Hamilton. Among those cited by John Ramsay in 1667 as nearest of kin of Colonel Cunningham and his son was ‘Lord Hugh Hamilton of Glenalie’. This was Hugh Hamilton (d c 1678), created Lord Hamilton, Baron of Glenawley in 1661. Having served in the Swedish army, he was naturalized and enobled as Baron Hamilton de Deserf, but returned to settle in Ireland. Though he was the son of an Archbishop of Cashel, it is uncertain whether this was Archibald (d 1659) or his predecessor, Malcolm (d 1629).¹³ If the former, he could have been Colonel Cunningham’s nephew by marriage; if the latter, as seems more likely, they were unrelated. Nevertheless, given his imperfect information about Cunningham’s relatives, Ramsay could have believed that there was a connection. The fact that Archibald Hamilton fled to Sweden in 1641 during the Irish rebellion suggests that he may have had relatives there.¹⁴

Although the evidence is meagre and circumstantial, taken with Elizabeth Livingston’s possession of items closely associated with Elizabeth of Bohemia, it points to the possibility that her mother was Alison Hay, the queen’s nurse, and that she herself was the queen’s foster sister and namesake.

NOTES TO APPENDIX 3

- 1 *CSP Dom, Charles I 1637*, 551 placed under 19 November 1637.
- 2 *HMC Hamilton Supp* 104, where ‘good’ is read as ‘goods’ and the index wrongly identifies the archbishop as Malcolm Hamilton. Original in NAS GD406/1/135.
- 3 *DNB*; Hamilton 1933, 251–2.
- 4 Green 1909, 2, 9.
- 5 Russell 1881, 119, 127–8.
- 6 *Fasti Ecclesiae Scoticae* 3, 162.
- 7 *Fasti Ecclesiae Scoticae* 8, 242, no source given.
- 8 *Scots Peerage* 5, 445.
- 9 Green 1909, 3, 7, 9; Marshall 1998, 19, 23–5.
- 10 *Scots Peerage* 1, 542.
- 11 *CSP Dom James I 1603–1610*, 108. According to Green (1909, 9) this payment was a pension but her grounds for asserting this are not apparent.
- 12 Livingstone 1920, 367. No Scottish place name resembling Dunkervant has been identified.
- 13 *Complete Peerage* 6, 279, which favours Malcolm; Hamilton 1933, 1016.
- 14 *DNB*; Hamilton 1933, 251.

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- GD82 Makgill muniments.
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- RD1 Register of Deeds, first series.
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