

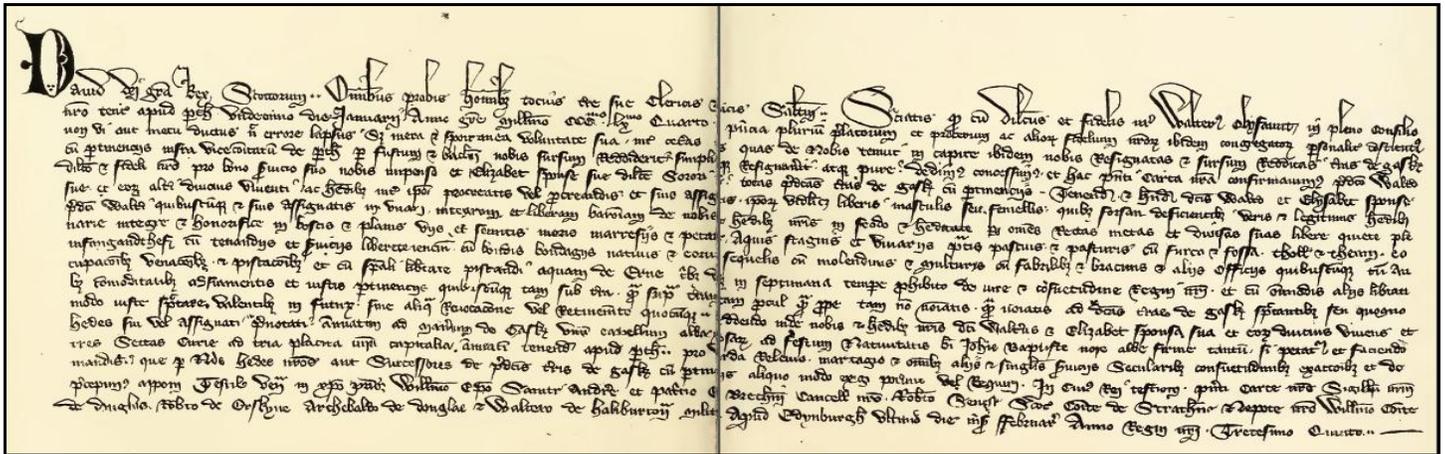
THE OLIPHANTS IN SCOTLAND

WITH A SELECTION OF ORIGINAL DOCUMENTS FROM THE CHARTER CHEST AT CASK.

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Charter of the Lands and Barony of Gask, by David the Second, to Sir Walter Oliphant and Elizabeth, his Wife, daughter of Robert the Bruce. At Edinburgh, the last day of February, 1363-64.

Charter by the Same, in favour of the Same, of the Lands and Barony of Turynys and Dromy. Eodem die.



A curious history attaches to this interesting and valuable document, during the last century. When Crawford was writing his "Scottish Peerage," published in 1716, James Oliphant of Gask showed him this charter, to which he refers, *sub voce* Bruce, Earl of Carrick, as proving the existence of Elizabeth, daughter of Robert the First, and her marriage to Sir Walter Oliphant. In 1746, when the Jacobites were crushed, and the Laird of Gask a fugitive, the Duke of Cumberland sent Sir Joseph York to ransack the House of Gask, which he did, and carried away from the Charter Room what the Laird afterwards described as "a small Japan'd brown Box, with the Coat of Arms on the Lidd, being gules three Crescents argent," containing, among other papers, this charter: and it was not recovered till many years afterwards. In 1779 the second volume of the first edition of Lord Hailes's "Annals of Scotland" appeared, in which he mentioned Elizabeth Bruce, quoting Crawford, but in such a way as to cast great doubt on his statements. Notwithstanding Crawford's assurance, "I must still hesitate," said Lord Hailes. "The silence of Fordun and his continuator (as to the existence of Elizabeth) is remarkable; every one conversant in ancient deeds knows, that *filius, filia, frater*, are words which do not necessarily imply legitimate relation. To remove all doubts, the charter itself, if extant, ought to be deposited in the Register House." After seventeen years of banishment, Laurence Oliphant returned to his native land, in September, 1763, and one of his first objects was to find the lost charter and the other papers. "There is nothing," he wrote, "that ever happened to my father that he regretted more than the loss of these old papers." Forty years after they had fallen into the hands of the Duke of Cumberland, Gask is still found in the earnest search after this document, so much prized; and at last, in 1756, he traced it to its hiding-place, and rejoiced in its possession. He was naturally much offended at the observations of Lord Hailes, and soon let him see the charter. It was submitted by Gask the younger and Lord Dunsinuan to the Historian, who said he was glad to see it, and promised to make amends in a future edition of his work, advising also that the charter itself, with an account of its loss and recovery, should be inserted in the "Scots Magazine," which was not done. Lord Hailes died in 1792, and his remarks were left unaltered in subsequent editions of his work. — Annals, 1519 Edition, vol. xi., p. 165, note. The charter, however, was registered in the Books of Council and Session as a Probative Writ, May 5, 1795, by Mr. John Pattison, advocate, and Alexander Robertson, writer, Edinburgh. See also "The Jacobite Lairds of Gask," by T. L. Kington Oliphant, Esq., pp. 200, 345, 398, 403.