

The following short view of the Right of his Royal Highness the Prince of Wales to the Dukedom of Rothesay is humbly submitted to his Royal Highnesses consideration by his Royal Highnesses most devoted servant

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1125

The Senescallus or Stewart of Scotland was the highest Officer of the Crown - Walter the son of Allan was Stewart in the reigns of David I and Malcolm IV - How long his ancestors flourished in Scotland or enjoyed the office prior to that period is unknown.

1316

This Walter was possessed of the chief part of the present Shire of Renfrew besides other lands in the shires of East Lothian and Roxburgh all of which together with the hereditary office of Stewart descended from him in the course of many generations to another Walter on whom King Robert de Bruce bestowed his daughter Marjory in marriage giving as her portion certain lands in the Counties of Linlithgow and Mid Lothian.

Feb^y 1371

Of this marriage there was a son Robert, Stewart of Scotland, who prior to 1361 obtained from King David Bruce the Earldom of Strathern - He was also Lord and owner of Rothesay Bute &c and upon the death of the King (his uncle) without issue succeeded to the crown. He then resigned the office of Stewart of Scotland in favour of his son John who had obtained from his granduncle the Earldom of Carrick.

May 1390

Upon the death of Robert II his son John succeeded to the crown & assumed the name of Robert III - He had two sons David and James

1398
1401

David from his fathers accession was denominated Earl of Carrick & Stewart of Scotland - He was afterwards created Duke of Rothesay but predeceased his father.

1405

James succeeded to the office of Stewart and the Earldom of Carrick - But there is no evidence now to be traced of his bearing the title of Duke of Rothesay - He was taken Prisoner by the English in 1405 when only fourteen years old: and his father having died soon after, he of course succeeded to the crown

Feb^y 21 - 1437

James I was assassinated in 1437 and was succeeded by his son James II then an infant.

Aug^t 3 - 1460

James II was killed at the siege of the Castle of Roxburgh and was succeeded

succeeded by his son James III then a child of about seven years of age

It is a matter of uncertainty at what period the territorial Estate & Titles of the Duchy of Rothesay Earldom of Carrick Barony of Renfrew and Stewartry of Scotland were first settled as an hereditary appanage on the eldest son of the King for the time being - The Duchy of Cornwall was established in the 11th of Edward III of England and it is possible that Robert II of Scotland may have followed that example - There is however complete Evidence that the Duchy of Rothesay Earldom of Carrick Barony of Renfrew and Stewartry of Scotland both in territory and honour were so settled before the End of the reign of James III - This is proved by a Charter of the Lands of Drumcoll in favour of Lord Carlile of 3 Oct^r 1477 - The Records of the Parliament of Scotland - Janry 19th 1489 - and a Charter to Archibald Earl of Angus Dec^r 29th 1491 -

That these Territories and Dignities have ever since been held by the eldest son of the King as Prince of Scotland is also clearly established -

1473

James III was married to Margaret daughter of the King of Denmark. On the 17th March 1473 James their eldest son afterwards James IV was born - and on the 17th of May following a Charter was granted by the King "nomine et ex parte nostre carissime filii primogeniti Jacobi Ducis de Rothesay Comitis de Carrick &c - Several other charters were granted in the same terms in the course of a few years after - There is also in Rymers Foedera a treaty entered into in October 1474 by which the Prince was betrothed to the Lady Cecil the youngest daughter of Edward IV of England who was to have in dowery "the lands rents and revenues pertaining to the old heritage of the Prince son and heir of Scotland during the lifetime of his Father, that is to say the Duchery of Rothesay the Earldom of Carrick &c

Feb. 15th 1489

James III was killed in June 1488 & was succeeded by his son James IV then a youth of fifteen years - and a doubt having arisen whether the tenants of the Principality were bound to attend in Parliament. An Act passed ordering "the free tenants that hold Lands of the Prince Duke of Rothesay and Stewart of Scotland" to attend "ay and quhile our Sovereign Lord have a Son that should be immediate betwixt the King and them and to answer for them in the said Parliaments and Justice cours and suit rolls to be made thereupon which shall endure while the Prince be born" -

This strongly proves that the Title of Duke of Rothesay which had been enjoyed by the King when Prince descended with the lands of the Principality as a perpetual appanage from one Prince to another and attached to the Prince from the moment of his birth.

It accordingly appears that from this period down to the Union, the King when there was no Prince in existence renewed the Charters to the Vassals of the Principality, to hold under him and his successors Princes or Stewarts of Scotland but that as soon as a Prince existed he bore the titles of Duke of Rothesay Earl of Carrick &c and the Charters were granted in his name

In September 1503 James IV married Margaret the eldest daughter
of

July 1507

of Henry VII of England - In 1507 James their eldest son was born - and of this date the King granted a Charter to Robert Lawson in the Character of Tutor et gubernator carissimi filii nostri primogeniti Jacobi Ducis de Rothesay ac Senescalli Scotiae &c - A few months after he granted another Charter "tanquam tutor et gubernator carissimi filii nostri primogeniti Jacobi Principis et Senescalli Scotiae Comitis de Carruck &c

James the eldest son of James IV died before 15th March 1508 for of that date there is a Charter granted by the King of certain lands then in the hands of his Majesty tanquam Senescallus Scotiae

Arthur the second son was born on the 20th of October 1509 & on the 31 of that month the King granted a Charter "tanquam tutor et gubernator carissimi filii nostri primogeniti Arthuri Principis et Senescalli Scotiae". Arthur died before he was nine months old

James the third son was born upon the 11 of April 1512 - and on the 9 of September 1513 James IV was killed at the Battle of Flodden - It is not therefore surprising that no evidence appears of his being called Duke of Rothesay during his fathers life. There is however a Charter of lands in the Earldom of Carruck granted by his father upon the 19th of June 1513 as administrator in law of his then eldest son principis Scotiae Comitis de Carruck and after his succession to the crown James V granted Charters both as Prince and Duke of Rothesay and as Prince and Earl of Carruck which is demonstration that these titles were annexed to the territorial Estate of the Principality

James V had a son James born in 1539 and granted Charters as his guardian in which the Prince is stiled Duke of Rothesay & Earl of Carruck - He had also another son Robert Duke of Albany born in 1542 - Both died about eight days after the youngest was baptised

Decr. 14th 1542

Mary was born but a few days before her father died - She granted sundry Charters tanquam Comitissa de Carruck

James VI the son of Mary was born on the 19th of June 1566 and at the time of his Baptism in December following was proclaimed by Lyon King of Arms "James by the Grace of God Lord of Renfrew and the Isles, Earl of Carruck Duke of Rothesay and Prince of Scotland". A full account of the Ceremony of the Baptism is to be found in Spottiswoodes history Book 4. p. 196 where it is said that after the rites were performed the Prince was proclaimed by his name and Title James Prince and Stewart of Scotland Duke of Rothesay Earl of Carruck Lord of the Isles and Baron of Renfrew

It is remarkable that on the very day on which the Prince was baptised according to John Knox in his History of the Reformation, the King and Queen granted a Charter as guardians of their dearest son Prince and Stewart of Scotland as Earl of Carruck - This

Charter

After Sep. 1796.

Charter must have been written out sometime before - and it accordingly appears that it does not mention the Princes name he not having been then baptised

James VI married Ann daughter of the King of Denmark: and on the 19th of February 1594 Henry their eldest son was born.

Spottiswood gives a very particular account of this Princes Baptism: mentioning among other things that "his titles were in this sort proclaimed by the Lyon Herald Henry Frederick knight and Baron of Renfrew, Lord of the Isles Earl of Carrick Duke of Rothesay Prince and Stewart of Scotland."

Henry died on the 6th of Novem^r. 1612 and was succeeded by his Brother Charles then Duke of Albany and York, who like all the other Princes of Scotland bore the titles of Rothesay and Carrick

Charles I succeeded to the Crown upon the death of his Father in March 1625 and about three years after a circumstance occurred which affords the most compleat demonstration that the titles of dignity born by the eldest son of the King were attached to the Principality - The King had granted a Patent creating John Lord Kinclavin Earl of Carrick - but upon its being presented to the Privy Council Sir Thomas Hope his Majesties Advocate observed that the title and style of Earl of Carrick was the proper style of the Kings eldest son, and was not communicable to any subject - The Council directed the matter to be represented to the King, and it is believed the Patent was delivered upon Lord Kinclavins stating that the title meant to be conferred on him was different from that which was held by the Princes of Scotland, being taken not from the Earldom of Carrick in the Shire of Ayr but from a small place called Carrick in Orkney which is accordingly contained in a Charter to Lord Kinclavin and is described as situated "apud Portum de Galfsound"

Charles the eldest son of Charles I was born on the 29th of May 1630 - and Charters were as usual granted by his father to the Vassals of the Principality *languam pater et legitimus administrator carissimi nostri filii Caroli Scotiae et Walliae Principis Senescalli Scotiae Ducis Rothesaiae et Cornubiae &c*

James VII of Scotland granted Charters in favour of the Vassals of the Principality as Duke of Rothesay, Earl of Carrick &c and after the Birth of his son James granted Charters for himself and as Tutor and Administrator in Law to his dearest son James Prince of Stewart of Scotland Duke of Rothesay, Earl of Carrick &c

Dec^r 16th 1692

Of this date William and Mary granted a Charter of the Lands of Riccarton to the Duke of Hamilton as Princes Stewarts of

of Scotland - and similar Charters were granted by William after the Queens death.

William was succeeded by Queen Anne in March 1701 - Her children by the Prince of Denmark had all died before her accession But she granted new investitures to the Vassals of the Principality as Princes and Stewarts of Scotland

At the accession of George I his son was of age and not only granted Charters as Prince Duke of Rothesay &c but also voted at two Elections of Scotch Peers -

Prince Frederic was also of age when his father George II succeeded to the Crown and granted Charters to the Vassals of the Principality under the hereditary titles of Duke of Rothesay Earl of Carrick Baron of Renfrew &c

His present Majesty had not before his accession formed any establishment for the management of the Principality of Scotland - But after he succeeded to the Crown he like all his Royal predecessors granted Charters as Prince and Stewart of Scotland - His Majesty likewise during the minority of his Royal Highness the Prince of Wales granted Charters to the Vassals of the Principality of Scotland, "tanquam pater et administrator in lege carissimi nostri filii Georgii Augusti Frederici Principis Magnae Britanniae et Walliae Electoralis Principis de Brunswic Lunenburg, Ducis de Rothesay et Cornubiae Comitis de Carrick" &c and since his Royal Highness came of age he has not only granted Charters to his Vassals under the above titles but has also voted at three Elections of Scotch Peers

To these accumulated Proofs that the Kings Eldest son is born Duke of Rothesay and Earl of Carrick &c may be added the testimonies of sundry celebrated writers - Such as Selden - Sir Thomas Hope - Sir George McKenzie - Crawford, Chamberlaine & Anderson - It only remains to consider shortly the objections which it is supposed the Petitioners mean to insist on.

Objection I

It does not appear that either Prince Arthur the second or James the third son of James IV of Scotland bore the title of Duke of Rothesay

Answer I

This however can at no rate go farther than to make way for a conjecture that the dignity was limited to the first born son of the King and did not on his predeceasing his Father vest in the second son

Answer II

Prince Arthur died before he was nine months old - and during his short life no Investitures may have been required by any of the Vassals of the Dukedom of Rothesay (a small territory) or of the Earldom of Carrick altho' in that period a Charter was granted by the King as the administrator in law of his son Prince and Stewart of Scotland

Answer III

James the third son was little more than a year old when his father

father was killed - It has also been mentioned that on the 19th of June 1513 a Charter was granted in which he is styled Earl of Carrick - And the limitations of that dignity differed in no respect from those of the dignity of Rothesay.

Objection II

The Duke of Rothesay never sat in the Parliament of Scotland.

Answer I

The Prince as Duke of Rothesay was certainly a Peer of Scotland before the union and therefore had an unquestionable right to sit in the Parliament of Scotland.

Answer II

David the first Duke of Rothesay was called to sit in the Second Parliament of his Father Robert III - The Record of Parliament bears "vocatus more solito Episcopus Prioribus Ducibus Comitibus" But there were then only two Dukes in Scotland viz Albany & Rothesay - From that period down to the reign of James VI - none of the Princes of Scotland were of age - Prince Charles the successor of James was only three years above majority when his Father died - In that time there was but one Parliament held in Scotland (anno 1621) and the Prince then resided in England - No other Prince was of age till the reign of George I and it has been stated that his son claimed and was allowed to vote as a Peer of Scotland.

Objection III

The Prince could not be entitled to sit in the Parliament of Scotland because his Vassals were formerly entitled to sit there and may now be elected members of the British house of Commons.

Answer I

The whole County of Sutherland is held of the Families of Sutherland and Rae - But their Vassals sat in the Scottish Parliament and send now a Representative to the House of Commons.

Answer II

By the Act of 1489 Cap. the Vassals of the Prince Duke of Rothesay were only to attend in Parliament while no Prince existed - It was not till 1681 that the Vassals of the Prince were rendered capable of voting for or being elected members of Parliament and altho the statute of that year conferred a new privilege on them it was not intended thereby to affect the right of the Prince as a Peer of Scotland, in the smallest degree.

Objection IV

His Royal Highness being a British Peer as Earl of Chester cannot vote in the Election of the Scottish Peers.

Answer

Admitting for the sake of argument that a Peer of Scotland ceases to have a right to vote in the Election of the sixteen Peers by being created a British Peer it by no means follows that the same consequence must take place where one who was a Peer both of England and of Scotland before the Union receives a higher or additional title from his Majesty - The Princes predecessors had a right before the Union to sit in the Parliament of England as Duke of Cornwall & in the Parliament of Scotland as Duke of Rothesay - And the privileges springing from

from that right cannot be impaired by his Royal Highness' receiving a British Peerage - He sits still in the House of Lords as Duke of Cornwall - and not in consequence of his being created Earl of Chester

The title of Rothesay was added to the Roll of the Peers of Scotland at or prior to the year 1715 when a vote was first given by his Royal Highness George then Duke of Rothesay afterwards George II which proves the unanimous opinion of the whole order of the Scottish Peerage at the time of the Union and their continued judgement during a period of upwards of seventy years that this title is a good one

On 5th April 1740 the House of Peers ordered "that the Lords of Session in Scotland do make up a Roll or list of the Peers of Scotland at the time of the Union whose Peerages are still continuing and do lay the same before this House in the next Session of Parliament" - The Judges of the Court of Session did accordingly make up such a Roll or List and at the very head of the Dukes stands "His Royal Highness the Prince of Rothesay" - which may be considered as a public declaration of the opinion of all the learned Judges of Scotland of that time that his Royal Highness had a good right to this title of dignity and as this Roll was received and recorded in the Journals of the House of Lords in the year 1740 this opinion of the Scottish Judges has in some measure received the confirmation and sanction of the House of Lords